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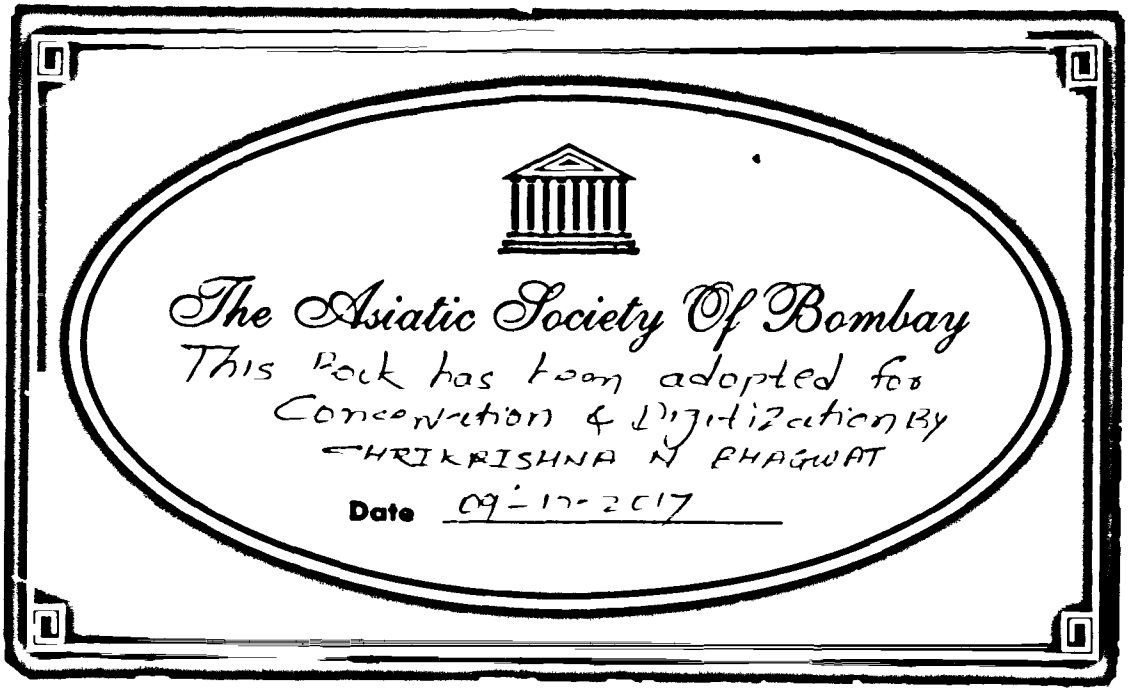
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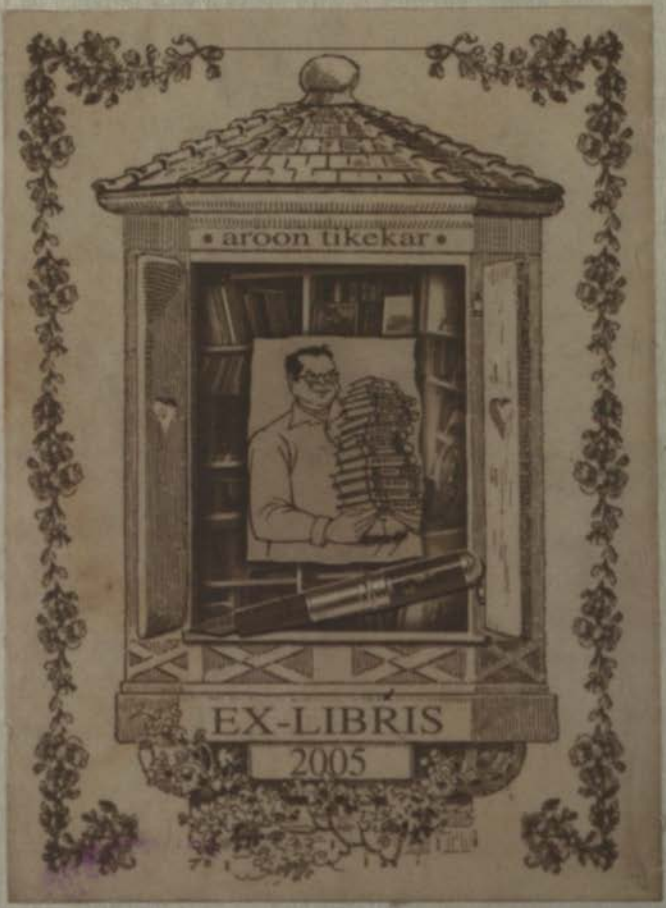

THE ASIATIC SOCIETY OF BOMBAY

Presented by: Dr. Maneesha Tikekar
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Date: 19th January, 2017

The Managing Committee Meeting

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We beg to tender our most sincere thanks for the cordial reception and liberal support which we have met with on our first appearance at the hands of His Excellency Lord Lytton Viceroy and Governor-General of India, Members of Councils, Native Princes and the general public throughout the country. We hope not only to continue to receive greater support, as we advance, but to deserve the same by conscientiously discharging our duty.—*Editor.*

5

PROCEEDINGS OF THE SABHA.

A LETTER TO THE FAMINE COMMISSION REGARDING THE FAMINE MORTALITY IN THE BOMBAY PRESIDENCY.

No. 497 of 1878.

SARVAJANIK SABHA ROOMS,
Nagarker's Wada, near Vishrambag.
POONA, 27*th October* 1878.

To,

C. A. ELLIOT ESQUIRE,
Secretary to the Famine Commission.

SIR,

I have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit for the information of the President and Members of the Famine Commission the results of some investigations undertaken by the Sabha in regard to the extent of mortality directly or indirectly traceable to the calamity which afflicted some of the districts of this Presidency during the two years 1876 and 1877, and I trust this information will induce the Commissioners to take up this question, and prosecute further inquiries into famine mortality, as affording by far the most important test of the success or failure of the measures adopted by the Bombay Government in the administration of famine relief.

2. You are well aware that, throughout the famine crisis, the Sabha, while gratefully admitting the promptitude and, in some respects, the efficiency of the relief measures undertaken by the Local Government, has had frequent occasions to complain and remonstrate with the authorities in regard to some innovations in the direction of severity and parsimony which found favour with the heads of Government, and which have led to disastrous results in the shape of what is now admitted to be a deplorable loss of life, and disabling of the labouring population. After the famine was officially pronounced to be over, the Government of Bombay, in their final review of the measures adopted by them for the relief of famine, congratulated themselves upon

the supposed fact that the mortality directly traceable to the famine fell far short of what was estimated by the Sabha. These official minutes made out the death-rate in 1877 to be only about double the number of deaths in ordinary years, which increase was not regarded as representing any considerable statistical fact.

3. These hopeful estimates were, however, proved to be grossly incorrect by the results of the partial famine census taken by the Local Government in ten Talukas of the famine districts. This census showed that out of a total population of 934345 souls, as many as 99473 were either dead or missing. These figures showed an average loss of 10 percent of the population, and meant that the mortality and loss from famine were three times as great as in ordinary years.

4. This relatively high average was, however, as misleading and incorrect as the mortality laid down in the official minutes noticed above. Among the Talukas selected for the partial census, those which had suffered most were either inadvertently or studiously excluded, and five of the ten Talukas were selected with the knowledge that they had suffered the least from the famine. In fact one of these Talookas, *Kod* in the Dharwar District, was actually found to have at the end of the famine increased two per cent in population during the famine years. An average obtained by such means can never be accepted as having any statistical value. The disparity between the figures of individual Talukas was so great, (ranging as they did from the mortality or missing rate of 19 and 20 per cent in the Madhe Taluka of the Sholapoor District, and the Badam-Taluka of the Kaladgee District, to an increase of two per cent in Kod Taluka), that the Local Government itself was obliged to admit that it had made a wrong selection of the Talookas, and that no reliance could be placed upon the average death or missing rate ascertained by the partial census.

5. There was another reason for discrediting these figures. The census was taken in last January, but, as the Commissioners are well aware, the famine distress in these parts continued unabated long after the Government relief works were stopped, and that from January to June the rate of mortality was abnormally great owing to the untimely stoppage of the relief works, and the debility brought on the labouring classes by the low subsistence wages, which were adopted and enforced upon all the great relief works during the whole of the year 1877.

6. The local Government have recently published their Resolution on the Sanitary Commissioner's mortuary report for 1877. One of the members of Council unreservedly admits the disastrous mistake of making low subsistence wages a test during famine years. The other members of Government, being committed to a wrong policy by

reason of their previous minutes, have attempted to minimize the loss by calculating the percentage of deaths upon 80 instead of upon 50 lacks of the population, and have charged the people with suicidal fondness for death and misery. The Sanitary Commissioner, however, admits a loss of 216491 deaths due to famine alone, so far as such deaths were registered in the village records. Throughout the famine, however, the registering machinery was out of joint, and it is officially admitted that many thousands died by the way side, and in foreign territories of whom no trace can be found in the register. The total of famine deaths as suggested by these returns cannot thus fall far short of five lacks on a population of 50 lacks in 1877. To these have to be added the figures for the first half of 1878, when during the cold season and the summer months, the mortality was abnormally high, and the exhausting effects of sufferings and insufficient nourishment carried away hundreds of thousands. In the face of these figures, it is a sad mistake to underrate the gravity of the crisis, and urge the excuses of epidemics and absence of registers as a palliative and consolation. Making allowance for all these considerations, the Sabha has, in its journal of July 1878, a copy of which is sent herewith, fixed an estimate of the mortality directly or indirectly traceable to famine at about 20 to 25 per cent in the worst affected districts. This figure accords with the ascertained results of the partial census in two Talookas, with the recorded results of the mortality in similarly situated districts of the Madras Presidency, with the loss of life admitted to be lamentably deplorable in the Mysore Province, where in your capacity of Famine Commissoner, you have estimated the loss of life to be 10½ lacks out of a population of 50 lacs, and lastly, with the mortality returns in the N. W. Provinces during the first six months of this year.

7. The Sabha is well aware that general analogies drawn from other provinces, and from the probabilities suggested by mortuary reports, do not carry such conviction as it is desirable to secure on a point of so great importance, and that they are always open to be questioned on the ground that the circumstances of this Presidency differ widely from those of other parts of India. As a matter of fact, the Government of Bombay, in their resolution dated 16th April 1878, and summarizing the results of the partial census taken in January last, have observed that the census left the mortality question in the same doubtful state as before, that the considerable diminution of population shown by the census was partly apparent, being accounted for by the emigrations, and partly real, that is due to mortality, but even this real diminution was not all owing to famine, but was to a great extent accounted for by the epidemics which affected the country along with the famine. The Local Government, when it ordered the census, could easily have secured these additional details which would

have enabled it to command accurate information as regards the relative numbers of those who had died, or who had only emigrated, and of the deaths, those which were due to famine, or to other causes. Of course no partial census could furnish sufficiently accurate information on these points, for the supposed emigrants, if they were really alive could only be satisfactorily accounted for by a census of the whole Presidency. It was for this among other reasons that the Sabha, in its letter No. 162 dated the 1st April 1878, published in its journal for July, and addressed to the Secretary to the Government of India, urged the necessity of a general census, and it is with great satisfaction that the Sabha has learnt from a recent resolution of the Government of India upon the Report of famine mortality in Mysore, that the Government recognise the expediency of undertaking a new census shortly, not only in Mysore, but also in the Provinces of Madras and Bombay which have suffered from the late famine. Such a census, the Sabha again respectfully submits, should be under-taken before the Famine Commission commences its own inquiries, which can never be properly directed till this preliminary information about the actual results of the famine distress is made available to the members of the Commission.

8. In the absence of this official census, the Sabha, with the assistance afforded by its own agents for charitable relief, and the agents of the other committees for charitable relief, undertook on its own account about three months ago such an investigation on a small scale with a view to ascertain the details which the Government census of January last had omitted to record. For this purpose four Talookas were selected from three Zillas, Indi in the Kaladgi district, Malshiras in the Sholapoor district, and Indapoor and Bhimthadi in the Poona district. The inquiry was made by the agents by a personal house to house visitation from village to village. The figures of the population for July 1876 and for July 1878 were ascertained from the village records. The number of births during the two years that have elapsed were similarly ascertained from the village records. Famine deaths and deaths from other causes were noted down separately as ascertained from the villagers who were individually interviewed. Similar details of new settlers who had come into the villages, and of emigrants who had left the villages, were noted down in separate columns, and of the emigrants, separate details were ascertained as regards those of them about whose whereabouts the villagers had any knowledge, and the others who were missing, and of whose whereabouts their relations knew nothing. In this way ninty-six villages were inspected in the Indi Talooka of the Kaladgi District, 23 villages in the Malshiras Talooka of the Sholapore district, and 21 villages of the Indapoor Talooka and 5 villages in the Bhimthadi Talooka in the Poona District. The following detailed statement will convey all the necessary infor-

mation on the several points noticed above in regard to the inspected villages.

Name of the District.	Name of the Talooka.	Number of villages.	Population in July 1876.	Births in 1876 & 1877.	Immigrants.	Famine deaths.	Deaths from other causes.	Emigrants, whereabouts known.	Emigrants, whereabouts not known.	Population in July 1878.
Kaladgi	Indi.....	96	51783	524	1828	6363	3186	4816	3784	35986
Sholapore	Malsiras. ...	23	17350	489	371	757	595	977	1886	13895
Poona	Indapoor ...	21	13021	186	2189	649	244	4515	184	6753
Do.	Bhimthadi...	5	2182	43	21	174	53	178	388	1453
Total ...	.....	145	84336	1242	4409	7943	4078	10486	6242	58087

9. It will be seen from this statement that the diminution in the population in two years has been above 31 per cent, or if the number of emigrants of whom the villagers have any tidings be added to the existing population after deducting therefrom the numbers of new settlers, the diminution of population will appear to be nearly 24 per cent. This diminution is greatest in the Bhimthadi Talooka, and least in Malshiras. As regards the number of deaths from famine and other causes which, though shown separately in the statement, may, for all practicable purposes, after deducting therefrom the number of deaths in ordinary years, be considered together as being the direct or indirect result of the famine and its after effects,—the total of famine deaths appears to be 11 per cent upon the population; and if to these be added the number of those who are missing and whose whereabouts is not known to their relations, the total of dead and missing persons is 18263 which shows upon the total population of 84336 a loss of nearly 22 per cent. The Members of the Commission will agree with the Sabha in holding that those emigrants who have not yet returned, and of whose whereabouts nothing is known to their relations, may safely be pronounced to be dead. The proportion of the dead and missing persons in the Bhimthadi villages is as high as 28 per cent, while it is 26 per cent in Indi, 19 per cent in Malshiras and 9 per cent in Indapoor.

10. The most significant of these figures are those which give the details of births. The average birth rate during the last two years in these famine districts appears to have been as low as one percent upon the diminished population, and about 2/3 per cent upon the figures for 1876. Unlike the other figures, the birth rate appears to be uniformly low, being half per cent in the Indi villages, 2/3 per cent in the Indapoor villages, and slightly more than one per cent in the Malshiras villages. When it is borne in mind that the ordinary birth rate in the

Bombay Presidency is 5½ per cent, this abnormally low rate of births during the last two years, even when calculated upon the diminished population, is the most startling fact disclosed by these inquiries. While the normal birth rate is 5½ per cent, the normal death rate is 3½ per cent. The figures for the last two years, however, show that while the births have diminished to 5 or 10 per cent of the normal rate, the deaths have increased from 300 to 700 per cent of their normal proportions.

11. This disproportion of births and deaths has been similarly observed in regard to two other Talookas, namely the Sangola Talooka in the Sholapoor District, and the Badami Talooka in the Kaladgi District. In the Sangola Talooka, with a population of 63000 in 1872, the births between August 1877 and May 1878 were 443, and the deaths were 3340, or nearly seven times as many as the births. In the Badami Talooka with an estimated population of 91,000, the births were 340, while the deaths were 8150 between August 1877 and March 1878. These figures are sufficiently appalling by themselves, and do not stand in need of any other comment. The abnormally low birth rate and high death rate show unmistakably that the famine measures adopted by Government, especially the low subsistence wages allowed, and the exaction of Revenue arrears, have disabled the people to an extent of which no figures can convey any adequate idea. The agents of the Sabha are prosecuting their inquiries in these matters with a view to submit the information to the Members of the Famine Commission when they visit these parts. The information summarized above shows, however, that the theory set up by the Local authorities to account for the diminution of the population by putting it down as chiefly due to emigration, cannot be maintained in the face of these statistics. The Sabha hopes that these figures will receive from the Famine Commission the serious attention which they deserve, and that the Commission will be induced thereby to devote its earnest consideration to this subject, and, as a preliminary preparation for the same, will secure the sanction of the Government of India to order a general census of the population of the whole Presidency in January 1879.

I have the honour to be,
Sir
Your most obedient servant.
SHIVARAM HARI SATHE,
Secretary P. S. S.

PROCEEDINGS OF A PUBLIC MEETING AGAINST THE VERNACULAR PRESS ACT.

A Public meeting of the members of the Poona Sarvajanika Sabha and the inhabitants of Poona was held in the Poona Town Hall Heerabag on the 2nd of May 1878. Long before the appointed hour, crowds of people begdn to come in, and by the time the proceedings commenced the central hall, the adjoining rooms and the verandhs were all full. All classes and ranks of people such as sirdars, merchants, &c. were represented. Great enthusiasm prevailed throughout the proceedings which occupied more than four hours. Among others the following gentlemen were present :—

Vinayekrao Rangnath Purandhare Esq., 3rd Class Sirdar, Chintamanrao Vishwanath Natu Esq., 3rd Class Sirdar, Trimbakrao Narayan Rajmachikar Esq., 3rd class Sirdar, Madhavrao Yeshwant Raste Esq., 3rd Class Sirdar, Rao Bahadoor Shriniwas Shesho Hatibeyalkar, Rao Bahadoor Sadashivrao Ballal Gowandye, Rao Bahadoor Krishnajee Laxuman Nulkar, Rao Bahadoor Krishnajee Vishnu Limaye, Rao Bahadoor Narayanrao Bhikaji Joglekar. Krishna Shastree Chiplonkar Esq., Rao Bahadoor Madhavrao Govind Ranade, Madhavrao Moreshwar Kunte Esq., B. A. Ganputrao Amrit Mankar Esq., Shivram Bapuji Parajpe Esq., M. A. Rao Saheb Amritrao Shriput Nagpurkar, Govind Wasudeo Kanitkar Esq., B.A. Rao Saheb Dhondo Janardan Karmarkar, Rao Saheb Gangadhar Vishwanath Gokhle, Rao Saheb Ramchundra Dinkar Parajpe, Rao Saheb Narhar Gadadhar Phadke, Rao Saheb Gangadhar Vishnu Limaye, Shridhar Gunesh Jinsiwale Esq., M. A. Rangnathrao Esq., Balwantrao Dev Esq. Babasaheb Mohite, Shet Mahamedali Jivanji, Shet Tayabali Kamrudin, Shet Ibrahimji Kasimji, Gulam Husen Jiwaji, Shet Mulla Badrudin, Shet Alibhai Tayabali, Shet Abu Ali Mully Shaikh Mahomed, Shet Nanabhoy Narottamdas, Shet Nanchund Mulchand, Ravji Bulwantrao Angal, Ganesh Ramchundra Kirloskar Esq., M. A. LL. B. Baba Gokhle Esq., Kashinath Parshuram Gadgil Esq., Gangaram Bhau Mhaske Esq., Rajanna Lingo Esq., Kashinath Govind Natu Esq., Narayan Bapuji Kanitkar Esq., Ganesh Wasudeo Joshi Esq., Sadashiv Venkatesh Jog Esq., Sadashiv Narayen Kanitkar Esq., Jamshetji Dorabji Khandalewala Esq., Cowasji Dorabji Esq., Furdunji Merwanji Esq., Keshavrao Madhavrao Kawle Esq., (Vakeel Nagpore), Nilkanth Vinayak Chhatre Esq., B. A. L. C. E. Gunesh Krishna Apte Esq., B. A. Waman Prabhakar Parajpe Esq., Keshav Pandurang Godbole Esq., Gunesh Ballal Phatak Esq., Gunesh Krishna Marathe Esq., Kashinath Trimbak Khare Esq., Sitaram Hari Chiplonkar Esq., (Dnyan Prakash) Mahadeo Ballal Namjoshi Esq., (Kiran) Ramchandra Govind Sapkar Esq., (Dnyan Chaxu) Vittal Luxuman Kowthekar Esq., Vishnu Moreshwar Thatte Esq., Babaji Manaji,

Mahadeo Ganesh Talegamkar Esq., Vishnu Shet Bhiwandikar Esq., Gopal Shet Dankrale Esq., Tukaram Kannji Saswadkar Esq., Nana Bodhani Saraph Esq., Jagjiwandas Narayandas Esq., Krishnaji Raghunath Kelkar Esq., Krishnaji Parashram Gadgil Esq., Ramchundra Ganesh Bakhle Esq., Damodhar Vidyadhar Gokhle Esq., Abaji Vishnu Kathwate Esq.,

After, Mr. Shivram Hari Sathe had read the notification which called the meeting—it was proposed by Abdu Rozak Bijli Kha Sirdar that Rao Bahadoor Krishnaji Luxuman Nulkar should take the chair; the proposition was seconded by Rao Saheb Gangadhar Vishwanath Gokhle and carried. The chairman in opening the proceedings made the remarks which may be summarised as follows :—

Gentlemen,—The circular just read to you by the Secretary explains the object for which this meeting is convened. I will not therefore trouble you with any further explanation of it. There is, however, one popular misapprehension which I may endeavour to remove. It is believed that this act of the Government of India is the outcome of a sudden impulse, and not the result of any lengthened deliberation. This I believe to be a mistake. The first seeds of this measure were sown in the year 1834, along with the very birth of the freedom of the Indian press. We all know that in that year Sir Charles Metcalf who was then acting Governor-General of India passed an act which for the first time set the Indian press free. This measure did not prove palatable to the Court of Directors who had previously discouraged it. But they did not like to incur the odium of undoing a good act. At the same time expressions of predictions of evil from the new born freedom were not wanting on the part of Anglo-Indian officers here as well as in England; and they have been ever since trying their utmost to induce the Government to adopt measures to curb at least the native portion of the Indian press. In these endeavours they have been from time to time baffled by the absence of any practical evil resulting from any abuse of the freedom in question : and they have been driven, consequently, to work upon the fears of the Government in times of real or fancied political dangers. Thus in 1857-58 during the mutiny of the Indian army it was represented by the opponents of the free press that the enemies of the Government would use the native press to spread rebellion, and therefore, it was urged that at least for a time the Vernacular press, if not the English press also, should be effectually checked and controlled by the government. The well-known justice and impartiality of Lord Canning could not, however, brook a measure of partiality ; and an act was passed by his Council giving power to Government to check and control the Indian press without distinction of language or authorship. Although those troublous times may be said to be some justification for such a measure, that act died a natural death without hardly any occasion having arisen for its application.

Our foreign rulers may be divided into two classes, Englishmen fresh from England, and Anglo-Indians brought up almost from their youth in India. India owes a debt of gratitude to both for all the good that the people of this country have reaped since the establishment of the British Government. The latter class consists of good, conscientious and hard working men who have until lately made India their home, looked upon the natives almost as children, and in their own way worked for their welfare. A life spent in close connection with the masses of the Indian population by these Anglo-Indian officers however cannot be expected to have a very salutary influence on their ideas of free and independent thoughts and action on the part of the natives. The native ways of sycophancy and blind worship of power do not always fail to leave a a bad effect on some of them who thereby acquire a sort of habit of treating all signs of independence in a native as a vice and discovering in such independence nothing better than sedition and disloyalty. I believe this school of Anglo-Indian politicians is happily not very large : but the very necessity of training from their youth the large number of our English administrators in India itself in daily intercourse with the ignorant masses serves to keep up the school alive by bringing to the front, with more or less frequency, men who have learnt to feel strongly on the unfitness of the natives of India for a free press, and they do not fail to make the best use of their opportunities. The supply of these good men, few though they be, being thus almost a matter of organization, it serves effectually to keep alive all the old traditions of the school. From the narrow groove to which their official position confines them they fail to see the immense strides which education and other civilizing influences have been making around them for more than half a century in fitting the natives of India for a larger portion of freedom and liberty than that with which the British Government had to begin, perhaps necessarily, more than a century ago. We have no reason to be surprised at this narrowness of views of some few, we hope very few, among our rulers; and we may rejoice at the vast majority of them, both here and in England, who hold different opinions and upon whose help we may confidently count in the matter of this as in many other just complaints of this country.

Against this press act there is almost a consensus of opinion among all classes in India: and we may expect a similar result in England when full information on the subject reaches that country. In proposing to send an appeal to Parliament we are not alone. Similar memorials have either been forwarded or are in the course of preparation from the people of Calcutta, Bombay, Nagpoor, and from some of the public associations of Bombay and Calcutta, and the East India Association in London. Even the small community of Indian natives at present residing in London seem to have met in that city to concert measures to obtain the abrogation of this piece of retrograde legislation. Such

illustrious and liberal statesmen as Messers. Gladstone, Fawcet and others have taken up the subject in earnestness; and by joining our humble efforts to theirs we may hope for that success which the justness of our cause deserves.

The preamble of the Act has, according to custom, given certain reasons for the enactment, and I wish briefly to examine them. They are three in number.—

I. That the Vernacular press contains matter likely to excite disaffection to government.

II. That it contains matter likely to excite antipathy between persons of different races, castes, religions or sects.

III. That such publications have been used as means of intimidation or extortion.

This simple fear of disaffection is a matter not easy to deal with; but one would have expected our sagacious rulers to be influenced more by the entire absence of any disaffection directly or even indirectly traceable to the influence of the Vernacular press in India in the course of the trial extending over nearly half a century, and less by the persistent advice of a few persons whose Anglo-Indian training prevents them from discovering any good and every conceivable evil in a free Indian press.

The second reason regarding race-antipathies is if possible more groundless. The races referred to are undoubtedly meant to be the English and the native races, notwithstanding the vagueness of the terms used. Now, seeing that the native press is silenced, and the English is left free, it stands to reason that if any of the alleged race-antipathy is at all traceable to the public press of India, this gagging of one party, and freedom of the other is eminently calculated to increase and perpetuate the very evil sought to be removed.

As explained in some of the speeches at the LegislativeCouncil,the meaning of the third reason seems to be this—the Vernacular press has been used as a means of intimidating the native officers of the British Government, and of extortion and annoyance towards the native princes and chiefs. The native officers of our government are drawn from the educated class of our people and could be safely trusted to take the ample remedies provided by the existing law against the alleged injuries. As regards the native princes and chiefs my own experience is that they have long since learnt to bear with equanimity, if not with stolid indifference, such newspaper criticism as may reach their ears, provided it is not actually printed within their own jurisdiction. Indeed, if the government be so anxious to spare the feelings of the native princes and chiefs, there is, in my opinion, a vast field open to them in their political department for sowing contentment broad-cast without any sacrifice of principle, much less of such a great principle as that of the Liberty of the Press.

All the three reasons given for the Press Act would thus seem to be illogical and without any foundation in fact. We need not wonder at this, because despotic governments, even when they take comparatively the mildest and the most benevolent and paternal form as ours undoubtedly does,—do not always assign the true reasons for their despotic acts. We may, however, pretty correctly guess at the real circumstances which must have led to the passing of this measure. As during the mutinies of 1857-58, so in the present troubles in Eastern Europe, the old opponents of the Indian free press appear to have raised their clamour once again for fettering the Vernacular press, and this time unfortunately, with complete success. But fortunately in the allegations they have put forth they appear to have proved too much for their case by the long array of quotations from newspapers, as we hope to show in the course of our memorial, the draught of which is now about to be laid before you for your consideration and adoption.

With these remarks for the length of which I beg to be excused, I call upon the gentlemen who have charge of the different resolutions to propose the same for your consideration.

The following Resolutions were then proposed and passed *nem. con.*

Proposed by Mr. Babajee Krishna Gokhale; Seconded by Mr. Chintaman Hari Sohoni.

That in the opinion of this meeting the Vernacular Press Act is very severe in its provisions and retrograde in principle, at the same time that it is an unnecessary and unjustifiable encroachment upon the rights of the native public guaranteed to them by acts and proclamations and enjoyed by them for forty years without interruption except on a single occasion of great emergency.

Proposed by Mr. Ganesh Ramchandra Kirloskar M. A., L. L. B.; Seconded by Mr. Ganesh Wasudeo Joshi.

That this meeting regards with the greatest apprehension the provision of the new Law which transfers the power of judging of the seditious character of any writing in the Vernacular Press from judicial to executive officers, a provision with removes all the checks necessary for forming a sound and correct judgment, and which can not but fail to lead to abuse of power and consequently to discontent and disaffection.

Proposed by Mr. Jameetji Dorabji Khandalawala; Seconded by Mr. Nilkant Vinayak Chhatre B. A., L. C. E.

That it is the opinion of this meeting that the Law will not answer its end, for while it will check the spirit of free discussion in honest and respectable but timid newspapers, it will not prevent disreputable and disaffected people from spreading seditious rumour which will command larger popular notice and even confidence by reason of the withdrawal of the liberty of open publication; and,

That the Government will by their enforcement of this Act, shut

itself from all source of information regarding the abuse of power by its officers, and regarding all other administrative matters in which respect Government has in many important cases admitted its obligations to the Vernacular press, for timely information and suggestions.

Proposed by Mr. Govind Wasudeo Kanitkar B. A.. Seconded by Mr. Ganesh Krishna Apte B. A.

That in the opinion of this meeting most of the extracts from the Vernacular Press which the Viceregal Legislative Council seems to have relied on for its justification are not seditious, and that the few which may appear to bear that character, even allowing that they correctly render the meaning of the original in English, might have been dealt with under the existing Law, while the circulation of such papers is admittedly too insignificant to justify such an extraordinary measure of general applicability; and

That by the passing of this Law Government lends the weight of its authority to every thing which will appear in the Vernacular Press, for people will necessarily infer that nothing can appear in that Press which Government officers did not approve and consequently that every thing that appears has the approval of Government, and that this additional responsibility will be needlessly incurred.

Proposed by Mr. Narayan Bapuji Kanitkar ; Seconded by Mr. Kashinath Parashram Gadil.

That the undue haste with which the bill was brought in and passed through all stages in one day has deprived Her Majesty's subjects of an opportunity of representing the hardship and injustice of its provisions to the Indian Government. The fact that such an important Law was passed at one sitting without a protest from any individual member of Council is in the opinion of this meeting a conclusive proof that the Legislative Councils of India, in no way represent the views of the people of India, and that a reform in their constitution by the addition of the non-official representative members from the different parts of India should be pressed upon the attention of the English Parliament.

Proposed by Rao Bahadur Sadashiv Ballal Gounde; Seconded by Mr. Kashinath Trimbak Khare.

That for the several reasons mentioned in the foregoing resolutions this meeting considers that a humble memorial should be submitted to the British Parliament from every part of India, praying that the new law restraining the liberty of the Vernacular Press may be disallowed by a formal vote of Parliament, and that Parliament will recommend to the Secretary of State to direct the Indian authorities to repeal the law entirely, and further that Parliament will be pleased to amend the Indian Councils Act by enlarging its provisions so as to admit of the addition of more non-official representative members.

Here the Chairman called upon Mr. Damodar Vidyadhar Gokhale to read the draft memorial.

To,

THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM IN PARLIAMENT ASSEMBLED.

The humble Memorial of the Members of the Sarvajanik Sabha and the inhabitants of Poona in a public meeting assembled.

MOST RESPECTFULLY SHOWETH.

That your Memorialists have been compelled to appeal for redress to your Honorable House against the action of the Government of India which recently passed Act IX of 1878 in restriction of the liberty of the Native Press, which right has been enjoyed by your Memorialists for 40 years past, both under the late East India Company and under the direct rule of the Crown.

2. The Government of India, acting in apparent communication with the Secretary of State, passed the Act with great precipitancy in one day, and allowed no time for public discussion. Under these circumstances your Memorialists feel that there would be little use of memorialising these authorities, and as your Honorable House is the highest sovereign power to whose charge the work of governing India on principles of right and freedom has been entrusted, your Memorialists have ventured to submit to your Honorable House their humble prayer, that your Honorable House will direct the Secretary of State to veto this Act, which is at once retrograde, unnecessary, severe, unjust, and subversive of all constitutional freedom and progress.

3. The measure is so exceptionally arbitrary and retrograde that your Memorialists are led to think there must have been more potent influences operating upon the minds of the Indian authorities than the petty causes assigned as its justification. From some portions of the speeches made by the Viceroy and some of the members of the Legislative Council, it is suggested that the present European crisis weighed upon the minds of the authorities in consenting to pass this restrictive legislation. If such an avowal had been made, and the public had been taken into confidence, your Memorialists feel sure that Her Majesty's Indian subjects would have supported a measure of state necessity, if it had been impartial and temporary in its application. Your Memorialists are aware that it would be awkward, for the Government of India to avow any such motive in the present uncertainty of affairs, and consequently they do not lay stress on the absence of any such avowal; but if such was really the motive of Government, the best way to carry it out would have been to follow the precedent of the Act of 1857.

4. As however the Government of India have left no ground for

such an assumption by passing the Act for all times, and making it applicable to Vernacular Journals alone, it becomes the duty of your Memorialists to submit for the consideration of your Honorable House the following points which, it is hoped, will show to your Honorable House the necessity of directing the Government of India to cancel this piece of retrograde legislation. The slender and utterly unreliable evidence which induced the Viceregal Council to come to the conclusion that the freedom of the Press was so abused by the people of India as to justify restriction; the exceptional procedure by which such an important bill was introduced without any previous notice and hurried through all stages in one day; the invidious distinctions between different classes of Her Majesty's subjects which for the first time have found sanction by it in the penal law of India, and the unnecessary, arbitrary, and injurious rigour of the provisions embodied in it: in all these respects the Act is so subversive of every constitutional principle of good Government, that your Memorialists feel no doubt but that as soon as the official papers regarding this retrograde measure of legislation are laid before your Honorable House, your Honorable House will be justly indignant at the obvious lightness of spirit in which an important departure from all the traditions of British rule in India was determined upon, and will not fail to mark the sense of your high displeasure and dissatisfaction with the Indian authorities.

5. Your Memorialists feel assured that in appealing to your Honorable House on this subject they will meet with perfect sympathy in assuming that the freedom of thought and speech is a right to which all subjects of the British Crown are entitled by their birth and allegiance, and of which they should not be deprived, except when it is placed beyond doubt that the enjoyment of it is incompatible with the preservaiton of peace. Your Memorialists have looked in vain to see if any such case was made out by the Government of India in the statement of objects and reasons appended to the Bill. This statement is wholly silent upon the point. It is true, indeed, that in the speeches made in Council it was vaguely asserted that the writings in the Vernacular Newspapers were such as to produce disaffection, but no instance was quoted in which any class of subjects was shown to have been so affected by these writings as to give any indications of a change in their loyal feelings. There are 200 news-papers in India, and out of the files of these for three years the official reporters with the greatest assiduity have succeeded in selecting only 150 extracts, which have been quoted as evincing a bad spirit, and which have been alleged to be couched in improper words. There are, however, several considerations which make hasty inferences from these quotations entirely unreliable for the purposes of legislation. The extracts, being torn away from the context in which they were written, look much more general in their application than they were intended, or understood by their

readers, to be. Passages look much worse than they really are when taken out of their context and modifying words in connexion with which they are intended to be understood. The evil attains a greater magnitude when the passages are rendered into another language. These faults are not only theoretically possible, but your Memorialists are in a position to assert from their intimate knowledge of the Vernaculars that the extracts relied upon by the Government of India do partake of all these defects and inaccuracies. Of the extracts from Newspapers published in the Bombay Presidency, there are but few which can be said to have a seditious bearing. Your Memorialists add in the appendix an abstract of the contents of the several articles with remarks against each, proving the entire absence of any seditious character in them. The majority of these passages are intended to criticise and complain of what the writers regard as the high-handed acts of individual British Officers, or of the burdens of new taxes laid upon the subjects, or of decay of native manufactures and industries as a consequence of British competition. The criticism for the most part is made in such a spirit that your Memorialists will not shrink from standing before the bar of your Honorable House to read the passages as the statement of their own views. The English and Anglo Indian Press is full of the same criticisms, and Native writers seldom transcend the limits observed by their superiors. Your Memorialists earnestly contend that a free exposition of evils is much more loyal than timid and brooding silence which looks on passively and allows well-meaning but ill-informed Government Officers to spread the seeds of misery among a population which has no political foresight, and which will never assist Government to understand its position or feelings. It is necessary for the success of all Governments that the governed should be permitted to help the Governors by a free expression of their wants and their opinions upon all public acts. Your Memorialists beg to add that this necessity is increased a hundred-fold by reason of the great social and religious distance which separates the rulers from the ruled in India. It may now and then occur than this free expression will be made in more bitter and severe terms than is desirable, but this undesirable result must be tolerated not so much for itself as for the sake of the good which will not come without it. Moreover when the people have no voice whatever in the actual administration of their affairs, it is absolutely necessary that they should have the broadest freedom to express with all openness possible their thoughts about such administrative measures as the Government may think to be best adapted to their condition.

6. Another reason assigned by way of justification for the Act, in the speeches made in Council was that the Vernacular Press misled and misinformed the minds of the ignorant masses, who

were described to be so many children who might easily be incited to acts of violent disobedience of authority. Your Memorialists beg to state that the Press in India is yet quite an infant institution and utterly incapable of exercising any such influence on the population in general; both because the number of those who can read is extremely small (in this presidency it is scarcely one in a hundred), and because a very large majority of those who can read cannot afford, or have no taste, to subscribe for and read a newspaper. And he must be thoroughly ignorant of the character of the Hindu race who does not know that it is impossible to arouse the Hindus to active deeds or indeed even to active thoughts, unless they are forced upon them by physical necessity. How powerless then must be all the futile invectives against Government, when they can be read by only an exceedingly small fraction of the population, most of whom are engaged in the service of Government. The mistake of the Government of India arises from an exaggerated view of the power of the Native Press. If this influence be measured more accurately, it will be found that the existing law is quite sufficient to check all abuse and license that can arise in exceptional instances. The same remark applies to the alleged practice of extortion by a portion of the Native Press, of which not a single accredited instance is quoted. The existence of the evil was accepted on the simple *ipse dixit* of one or two members. Your Memorialists pray that your Honorable House will not allow itself to be so easily satisfied. At any rate the fact, that though eight years have elapsed since the act amending the Penal Code in respect of seditious language was passed, there has not been a single prosecution under it, attests most strongly to the inherent loyalty of the people, and the moderation of the Press.

7. Even granting for a moment that the native papers are often the vehicles of much objectionable matter, and that they may under certain contingencies excite the inert masses to act, is it not better for an alien Government that it should know the exact way in which its measures affect, or are supposed to affect, the masses? These papers act as safety-valves for popular discontent. If a measure be really bad or unpopular, it is certainly desirable that Government should know the worst; or if the unpopularity is due to an erroneous misapprehension of the motives of Government, it is equally desirable that their false impressions should be removed by the free play of newspapers, the better one setting to right those that are worse and more ignorant. This last duty, it must be acknowledged, can never be profitably undertaken by Government itself.

8. It is said in defence of this Act that it is not a punitive measure, and that it mitigates by its preventive clauses the hard-

ships of the existing punitive law. This last position, though it was urged in favour of the law before your Honorable House by the late Under Secretary of State, is not well-founded. The Act expressly reserves all the old punitive provisions. Further your Memorialists beg leave to point out that they do not see how the measure is not punitive, when it proposes to dispose of the stock in trade of a man, in any manner the executive officers of Government may think fit. Surely to stop the business of a man by which he makes his living, and to confiscate his property are punishments by no means light. Your Memorialists, hope that they have thus shown that the evils for which this punitive legislation is intended are imaginary; and that the existing law is quite sufficient to punish any really offensive use which a deluded fanatic may make of the boon of the liberty of the Press which has been so long enjoyed by the loyal subjects of Her Majesty the Empress of India; and your humble Memorialists pray that your Honorable House will hold that the new legislation was unnecessary, and without any justification.

9. The next point to which your Memorialists feel bound to draw the attention of your Honourable House relates to the numerous abuses and oppressions with which the new legislation is sure to be associated with all the demoralizing effects to which such an association leads. The worst feature of the law is that it takes away from the jurisdiction of regularly constituted Judicial Courts the cognizance of those acts which fall properly within their province, and commits the same to the uncontrolled discretion of the executive officers. This tendency is more or less observable in all laws that have been recently enacted in British India, and has several times been protested against both in and outside the Legislative Councils without any effect. How greatly this encroachment of the executive upon the authority of the regular courts militates against the accepted principles of British Indian Polity, need scarcely be dwelt upon here. In this particular case, the evil likely to result from this encroachment is intensified in a very high degree by the fact that the law does not define what is or is not to be regarded as "sedition or likely to cause disaffection." From the extracts which to the Government of India have proved the necessity of this harmful measure, it will be seen that the authorities in India hold very vague views regarding the characteristics of seditious writings,—for instance, the chief complaint against the Editors of Native Newspapers relates mainly to the supposed harshness with which the acts of individual officers are criticised. If in the very making of the law, such an objectionable tendency to condemn all criticism upon the acts of individual officers has been manifested by the authourities, it may easily be imagined, how, when armed by the absolute power given by this Act, the officers of Government will not care to draw fine distinctions between honest criticisms

and seditious invectives against Government. The greatest danger to civil liberty lies in the provisions which confer the powers of initiation, final judgment and punishment, on the very officers who are likely to think themselves injured. The power entrusted to the executive or Police Officers besides is so very arbitrary and irresponsible, and the guarantees for their discreet exercise are so few, that no editor or printer can henceforward afford to express a difference of opinion with any strength on a measure approved by the officers of Government. These fears are not at all fictitious. The Act is hardly two months old, and already several papers have been stopped, or put under extremely galling restraint without any care being taken on the part of the officials even to point out to the Editors the objectionable articles or passages on account of which this punishment was meted out to them. Several first class newspapers have chosen at great pecuniary sacrifice to extinguish themselves rather than submit to the ignoble slavery imposed by the law.

10. Besides rendering the district officers wholly irresponsible for their acts, the law introduces a distinction between the several classes of Her Majesty's subjects which is opposed to all former precedents; sedition now depends upon the accident of race and language. If an Act was wanted, it should have been made like Lord Canning's Act, impartially applicable to all and enforced equally against all. To exempt one class of journals, and stamp the other with a mark of mistrust and dishonour can only end in broadening the gulf of separation and suspicion between the two races than which nothing can be more inimical to the stability of the Empire.

11. Another evil connected with the assumption of the executive power of control over the Press, consists in the fact that the Government thereby needlessly takes upon itself a new and inconvenient responsibility. Henceforth the people who read newspapers will naturally suppose that, as Government has resolved not to allow anything to appear in the papers which it deems to be objectionable on account of its falsehood or mischievousness, everything that actually appears in the papers has the authority and sanction of Government. The mischief attendant upon such a misconception is sadly illustrated in the history of those nations of Europe where the Press is under similar restraints. In the present circumstances of British India, such a misconception of the policy cannot but be attended with irremediable mischief.

12. Another evil result from the enforcement of the Act complained of is that the Government thereby shuts itself from all access to a correct knowledge of the currents of popular feeling. Government cannot afford to explain all the motives which influence it in the enactment of its measures. This service is now rendered in the interests of good Government by the free ventilation of political subjects. The new

Act will tend to stop this free ventilation, and when free discussion is checked, an undue encouragement will be afforded to rumours which impotently disaffected and mischievous people will never fail to circulate, and which will derive additional credibility by reason of the anxiety of Government to stifle all discussion. The Press in its worst abuse serves as a faithful mirror which reflects the inmost thoughts and desires of all classes of people, while at the same time it furnishes an effective remedy correcting its own license and abuse in their very inception. Under the new law this self-acting adjustment will,however, be stopped. The mischief will work in covert and underground ways with much more security and meet with greater acceptance.

13. Your Memorialists will not trouble your Honorable House with a detailed examination of the several sections of the Act which has been shown above to be wrong in principle and fraught with such manifold evils in its operation, and your Memorialists feel assured that your Honorable House will never for a moment give the countenance of your august sanction to such a retrograde and arbitrary measure, so subversive of all political freedom, and the traditions of half a century of British rule. Your Memorialists will only mention passingly that vague expressions such as "exciting disaffection" and "sedition" and "antipathies between different races and castes," have been inserted without any authorised definitions. It will also be seen that even books are made amenable to the provisions of the Act. Vernacular Literature in its present stage requires every encouragement that Government can give. The effect of Section X of the Act will, however, be to lay an embargo upon all independent political and religious publications. The fear of offending against the law will discourage the best writers to undertake literary labours, and the press and literature generally will be stunted and dwarfed.

14. Your Memorialists further beg to point out that, quite independently of the merits of the law, the procedure adopted in passing it was so highly objectionable that, on this account alone your Honorable House will see occasion to direct the Secretary of State to veto it. The Bill was introduced without notice, and hurried in one day through the Council without going into Committee, and amendments were made on the spur of the moment against the protest of members who asked more time for deliberation. Your Memorialists are not aware of any imminent danger which required the suspension of standing rules. Even the Honorable mover of the Bill admitted the procedure to be abnormal and stated as his explanation for adopting such procedure that the Bill would give rise to agitation, and that, during the time which would be occupied in passing the Act, the evils intended to be repressed thereby would be intensified. This explanation will not, Your Memorialists humbly trust, be regarded as satisfactory by your Honorable House. The Council should have seen that if the Bill was likely to cause agita-

tion, there would be little difference between agitation before the Bill was passed, and after it was passed. This attitude of the Council argues an utter diffidence in its ability to justify its action and a determination to set little value upon public opinion, and not to allow itself to be influenced by any representation, howsoever reasonable, which the people may make. Certainly what was going on for half a dozen years might have been suffered to continue for a few weeks more without affecting the stability of the British Empire.

15. Lastly, your Memorialists beg to submit that the true character of the new Act cannot be understood if it is taken by itself. It must be regarded as forming part of a long series of acts fraught with the same evil tendencies, and invidious distinctions, and arbitrary exaltation of executive officers over the authority of the judicial Courts, which have characterised all recent executive and legislative action, and which threaten to weaken the confidence which has hitherto been unreservedly placed in the Government of India by Her Majesty's subjects. The enhancement of the salt duty immediately after the famine; the license tax pressing hardly upon the poor, lightly touching the rich, and altogether exempting the officials; the abolition of the import duties on English goods necessitating additional taxation in India in breach of express pledges to the contrary; the Revenue Jurisdiction and Forest acts; the proposed enhancement of stamp duty to the great discouragement of private arbitration: the amended civil and criminal procedure codes giving unusual powers of interference to the executive officers of Government: the proposed master and servant's act unsettling well-established domestic relations; the Indian Arms Act indicating undeserved mistrust in the loyalty of Her Majesty's Indian subjects; the reluctance to give effect to the Civil Service Act: the discountenance shown to the cause of higher education by shutting up several colleges; the determination to enhance the land revenue assessments throughout India against the protests of Local Governments, and lastly the Indian Press Act; all these legislative and Executive Acts taken together inspire your Memorialists with apprehension that a change of spirit has come upon the minds of the authorities in India, fraught with great danger to the welfare of this country. Your Honorable House is the only authority to whom Her Majesty's subjects can appeal for redress and protection against the arbitrary acts of authorities in India, and your Memorialists pray that your Honorable House will not only condemn the measure which forms the subject of the present appeal but will also, make the further continuance of the present policy impossible, and ensure the progressive freedom of Her Majesty's Indian subjects by enlarging the representative element in the Legislative Councils of India, and by directing the adoption of such other measures as to your Honorable House may seem fit. And your Memorialists as in duty bound will ever pray.

Proposed by Mr. Kashinath Govind Natu; Seconded by Mr. Keshava Pandoorang Godbole.

That the memorial to the British Parliament, embodying the foregoing resolutions, now read, be adopted and signed by the inhabitants of this place, and sent to Mr. Gladstone, the other members of Parliament, and that Messers Gladstone, Fawcett and O'Donell be solicited to present the memorial to Parliament.

The draft memorial was received with great applause, and was adopted with universal acclamation. A vote of thanks to the chair brought the proceedings to a close.

A MEMORIAL TO HIS EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL OF INDIA IN COUNCIL ON THE BILL TO AMEND THE VERNACULAR PRESS ACT.

To

H. E. THE RIGHT HONORABLE
EDWARD ROBERT LORD LYTTON G. M. S. I.
Viceroy and Governor General of India.

The humble Memorial of the
Poona Sarvajanik Sabha.

MOST RESPECTFULLY SHEWETH,

That as in accordance with the instructions contained in the Despatch from the Secretary of State for India, the Honorable Sir A. Arbuthnot has obtained leave to introduce a Bill to amend Act No. IX of 1878. Your memorialists deem it their duty to submit the following representation to your Excellency in Council, and your Memorialists venture to hope that the suggestions contained therein, based as they are upon the discussions and criticism to which Act No. IX of 1878 has been subjected during the past six months, and representing as they do the deliberate and collective sense of the native public affected by the Act, will meet with the most favourable consideration of your Excellency in Council.

When the Act was first passed the political horizon was clouded with serious complications. In the words of the Government of India's despatch, dated 18th April, 1878 it was apprehended that "the native population was excited to an altogether unprecedented degree by the course of events in Eastern Europe, and the bazars of India were reported to be teeming with political rumours, popular criticisms and religious prophecies or denunciation profoundly agitating to the temper of the Native Community. The Under Secretary of State also admitted during the debate in Parliament that he traced the original necessity for dealing with the press at this particular time to the agitation created in India by the Eastern question. Your Excellency in Council felt that under the circumstances the measure was one of imperative urgency, and that in the interests of order it was absolutely necessary to pass the Act at one sitting of the Council without allowing the usual opportunities to the public to make their views known to Government in regard to the measure. Happily the threatening political complications have cleared up during the interval that has elapsed, and the readiness and loyalty with which the Civil and Military classes of Her Majesty's Native Subjects have responded to the confidence placed in them, and the call for service abroad made by Government have elicited the acknowledgment of the highest authorities in India and in

England. Your Memorialists trust that this experience of the last six months has modified to a great extent, if not set at rest, the apprehensions which were at first entertained, and that as a consequence of this assurance the proposed Bill to amend Act IX of 1878 will be so framed as to bring Act IX of 1878 more in accord with the previous legislation on the subject, and carry out the liberal principles which have for the last 40 years guided the administration in reference to this subject.

2. Although Your Memorialists have been opposed to the measure as a whole from the commencement and in that spirit they submitted a petition to Parliament, a copy of which is annexed, yet as the principle of the measure has received for a time at least the sanction of a formal vote of a majority in Parliament, Your Memorialists will not urge at present their prayer for the entire repeal of the Act. At the same time Your Memorialists submit that (1) the native papers in this Presidency are written in four or five different languages and serve as exponents of as many different nationalities, none of whom have been ever charged with sympathy with those disturbing agencies which are supposed to be rife in other parts of India. (2) Moreover purely English papers conducted under Native management do not exist in this Presidency, and the repressive influences of the Act thus leave the Government no resource to ascertain the genuine wishes of the people through their recognised organs. (3) As regards the extracts from the native press on this side of India which served as a justification for the enactment of this law, Your Memorialists beg to forward herewith a full exposition of the circumstances under which the several articles appeared from which the extracts were made, and the contexts in which they appeared. Read in the light of these circumstances and in connection with these contexts, Your Memorialists feel no doubt that the views entertained by Your Excellency in Council with regard to them will undergo a material change. Your Memorialists are confirmed in this hope by the assurance that these same extracts were pronounced by no less authorities than the Honorable Mr. Hobhouse, Mr. Robinson, Sir Earskine Perry, Sir William Muir, Honorable Mr. Gladstone, and His Excellency the Duke of Buckingham to be entirely innocent of all evil significance, and to be less harmful and obnoxious to censure than the corresponding expressions of opinions in the unfettered Anglo-Indian Newspapers. As may be expected from the conditions of an infant press the extracts contain "a great deal that is silly and frivolous along with a good deal that is permissible and a great deal that is positively useful, and there is no material in them to ground the suspicion of sedition and disaffection." For these several reasons Your Memorialists pray that Your Excellency in Council will be pleased while the Act remains in force to hold it out as a terror for extraordinary contingencies and to withdraw or suspend in the meanwhile the application of the Act to this Presidency.

3. The despatch from the Secretary of State in its 9th and 10th paras suggests two alterations in the present Act, and in the 11th para it concludes with a hope that this special piece of legislation will be found in no long time to be unnecessary. Your Memorialists, however, regret to find that the draft of the proposed bill strictly confines itself to the alteration suggested in the 9th para while no account is taken of the suggestion to enlarge and liberalize the scope of section 3 in such a way as to bring it more in accord with the Penal Code in regard to the definition of sedition and disaffection. The despatch recommends that the principles laid down in the Code should be substantially adhered to in carrying out the provisions of the new Act. Your Memorialists, however, submit that although the Local Government in this Presidency has not committed itself to such extreme measures as those which were adopted in Bengal yet the warnings given by the Secretaries and District Officers of Government to the Managers of several news-papers on this side of India have created a well-founded apprehension that the principles of the Penal Code will not always be adhered to by the authorities in giving effect to its provisions. About a month ago the Manager of the *Indu Prakash* News-paper was warned by the Police Commissioner of Bombay in regard to certain observations contained in a Marathi leader of that paper published in June last, in which the Emperor of China was praised for his having ordered reductions in his private expenditure and enjoined similar reductions on his subordinates so long as the country was filled with distress caused by the famine, and his conduct in this matter was contrasted with that of the Indian Executive Officers who were said to be amusing themselves at Simla. Your Memorialists believe that there was no point or justice about this comparison. Yet they humbly submit that the same observation has been made in many Anglo-Indian News-papers, and further that as a criticism it was honest, and fell within the protection of that portion of the despatch which allows censures, even if captious, of individual officers or Government measures. A similar warning was given to the Editor of the *Kirana* paper in respect of an article which appeared in the paper of the 19th of May on the subject of the punishment awarded to the Poree Raja. In this article the writer expressed his opinion that justice was not done to the Raja, and that more consideration ought to have been shown by the Government in giving effect to the extreme rigour of the law, out of regard to the feelings of the numerous population who revered the Raja as their religious head. Your memorialists do not wish to be understood as sympathyzing with the views of the writer; but they submit that the criticism was honest and permissible under the Penal Code, and was not such as to call for a warning. A similar warning was given to the Manager of the *Kasta Vilasini* paper of the 14th of May 1878 for some remarks made in regard to the selection of Native Troops for the Malta expedition without

a corresponding call being made upon the British Army. The silly suspicions to which utterance is given by that paper were obviously suggested by the spirit of certain observations made by Mr. Gladstone in his article in the *Nineteenth Century*. Another warning was given to the same paper for having remarked unfavourably upon the substitution of imported iron sleepers for sleepers of Indian timber previously used upon the Rajputana Railway. The leader complains that this substitution was an unjust discouragement of goods of native manufacture in favour of costly English imports. The extreme stupidity of the observation is written on its very surface, and your Memorialists submit that it is simply waste of energy for the Collector of a District or the Secretary to Government to condescend to warn the writer to avoid observations which far from influencing any body moves the most illiterate reader to pity the ignorance of the writers. Your Memorialists think that they have furnished sufficient instances of the way in which the Act has been worked for the last six months on this side of India, and they trust that your Excellency in Council will be pleased in amending the Act to add a section, or at least to add some apt illustration to the effect that only expressed or implied incitements to sedition fall within the scope of the 3rd section, and that stupid moralizings or criticism of individual officers or measures, however captious, should be left to be dealt with under the provisions of the Penal Code. In the absence of such illustrations individual officers are left without any safe guide or rule of conduct in their dealings with the press, and honest writers are paralized for good from fear of offending where no offence was intended.

4. Your Memorialists further submit that for the short time that the Act will be allowed to remain unrepealed, it is necessary that the initiative of action should not be left to any individual Police Officer or Magistrate or under-Secretary to Government. A Board or Syndicate consisting of the chief Executive, Judicial, and Educational officers and of one or more native servants of Government, or native members of the Legislative Council should be formed whose deliberate consent must be made a condition preliminary to any action that the Local Government may be inclined to take in enforcing the provisions of the Act, and the accused paper should be allowed an opportunity in strict confidence to explain the circumstances under which the suspected article appeared. Without these guarantees the Act will never be worked with that solemnity and deliberation which should characterize proceedings under a measure so obviously contrary to the principles of civilized Government. At present these guarantees do not exist and the Government needlessly provokes, in spite of its good intentions, unjust suspicion of harshness and caprice when papers are condemned, as in the Sahachar case, without any intimation to the Editors of the matter and the manner in which they break the law.

5. Although they have little hope of their suggestions finding any favour with the authorities, your Memorialists deem it their duty in this place to request that a section should be added in the amending Bill, reserving the right of recourse to the regular courts in case of excess or abuse of authority on the part of the Police and Magisterial Officers in enforcing the Act. Your Memorialists gather from the published minute of your Viceregal Excellency, and the opinions of the High Indian authorities who were consulted that the exclusion of this check was not at first contemplated by the Government of India, and the consent of many of the officers consulted was given on the basis of this reservation. The precedent of the Irish Peace Preservation Act suggests the necessity of this salutary check, which has become more urgent than ever, because the amending bill will take away the alternative provision of the Act by which the Editor could divest himself of all responsibility by submitting his proofs to the censor. As this protection will be now removed your Memorialists submit that free recourse to the law should be allowed to the aggrieved party. Police officers and Magistrates should be protected as a matter of course, if their proceedings fall within the scope of the law, and in the rare cases where they may be proved to have exceeded their powers, recourse to the Civil Courts will strengthen, instead of weakening, the confidence felt by the people in Government measures.

6. Lastly Your Memorialists request that Your Excellency in Council will be pleased to exclude from the operation of the law all publications which do not fall within the description of political News-papers. The propagation of social and religious reforms can not be carried on without heated discussions, often times calculated to stir up religious or social antipathies. Literary publications of a permanent character, such as books of history and biography, were not contemplated at first to be included within the scope of the Viceregal Minute, and the inclusion of these was, like the exclusion of all recourse to the Civil Courts, an after-thought. Your Memorialists submit that this law has already in several notable cases discouraged the growth of a very useful and healthy literature.

Your Memorialists in conclusion pray that Your Excellency in Council will be pleased to give the most favourable consideration to the suggestions made above, and will give effect to such of them as may meet with your approval. Now that the special circumstances which dictated the sudden enactment of the law have ceased to exist, and the experience of the last six months and the expression of official and non-official opinions has thrown new light upon the bearings of the measure, Your Memorialists trust that this restrictive law will for the short time that it is allowed to remain in force be supplemented with the necessary limitations and salutary guarantees, and that before long, before Your Excellency's Viceregal term of office comes to an end,

Your Excellency in Council will take steps to repeal the measure and restore to the people of this country the right of a free Press which has been accorded to them for the last 40 years and which is cherished by them as the greatest boon and privilege they enjoy under the British rule.

I beg to remain,
Sir
Your most humble servant.
SHIVRAM HARI SATHE,
Secretary P. S. S.

Poona, 19th September 1878.

Printed at the "Dnyan Prakash" Press.

FAMINE NARRATIVES.

No. III.

No. 1 of 1877.

SARVAJANIK SABHA ROOMS,
Fudtaray's Wada, Peit Sadashiv.
POONA, 1st *January* 1878.

To

THE CHIEF SECRETARY TO GOVERNMENT.
BOMBAY.

SIR,

In continuation of my letters of the 25th October and 18th November last I have the honour to submit herewith the third Famine Narrative containing a summary of the reports and returns received by the Sabha from its agents in the famine districts. These reports and returns contain a full disclosure of the alarming character of the crisis through which the country is at present passing, and justify all the worst apprehensions of the Sabha as set forth in my previous letters regarding the extent of the distress, and the urgent necessity of adopting more energetic measures to cope with it successfully.

1. Before proceeding to submit my observations upon the facts suggested by these reports, I have been directed by the Managing Committee of the Sabha to express their sense of grateful satisfaction at the way in which the Government has anticipated and given effect to several of the suggestion contained in my last letter. The appointment of Major Kennedy to be Secretary to Government with the sole charge of directing all the operations for the relief of the famine districts gave promise of a determination to cope with the calamity to the utmost extent of the available resources of Government. Although the Famine Commissioner has not yet found leisure to inspect personally the whole of the famine districts, this part of his work has been, to some extent, performed for him by the Sanitary Commissioner and it is hoped that before long the two Commissioners will make a circuit of the whole Deccan districts. The promptness with which the information received by Government is placed at the services of the public and outside suggestions from all quarters are received and attended to, the liberality with which the increasing demands of the officers in charge of the famine relief measures are acceded to, and the comprehensive foresight which

anticipates all the varied wants and contingencies of the poor people, have inspired a sense of general confidence, and, it may well be said, have taken the sting out of the famine. It is of course absolutely necessary to ensure the success of the measures adopted by Government that the fullest possible information should be placed before it in regard to the actual condition of the country, and it is this difficult and often times thankless work which the Sabha has imposed on itself as a duty it owes to Government at this crisis.

2. After the last Famine Narrative was submitted to Government, the Sabha deemed it necessary to call for detailed returns of the actual condition of the country, about the end of the last month, when the relief measures organized by Government assumed a consistent and systematic form all over the districts. To form any correct notion as to the adequacy or otherwise of the relief measures adopted, it was necessary to have accurate estimates of the number of people and cattle left in the famine districts after the first emigrations had taken place. It was further necessary to know the nature and extent of the water supply, and the specific character of the relief works which were most suited to the wants of the distressed villages. A tabular statement was accordingly framed (See appendix A) and extensively circulated all over the country. The information called for has been spontaneously supplied mostly by the distressed people themselves, and I shall now proceed briefly to direct your attention to the more important points of the information so received, referring you for further details to the summary which accompanies this report.

3. Taking the Indapore Talooka first in order, it is to be noted that the Talooka has 86 villages with a population amounting to 67000 souls at the last census, and cattle numbering 44200. Of these when the horrors of the famine first began to be felt, and people emigrated *en masse* as many as 57500 men and 33000 cattle left the villages. This occurred when the first rush to the Nizam's territories and to Poona and Bombay took place. After the first alarm was over, and the confidence of the frightened villagers was restored by the energetic measures adopted by Government, a considerable number of the villagers returned back, and flocked to the relief works, so that when Mr. Fletcher of the Revenue Survey was employed by Government to obtain accurate information regarding the number of people and cattle who had left the Talooka, he found that out of 67000 inhabitants more than 40,000 persons, that is nearly 60 per cent of the population, and 80 per cent of the cattle, had left the Talooka. The earlier information received by the Sabha may have erred on the side of exaggeration by reason of its agents not having access to the more accurate sources of information, but taking even the official accounts, the figures are alarming enough. That more than 60 per cent of the people should find it necessary to leave their homes, and take 80 per cent of their cattle with them, affords

evidence of a frightful state of poverty which furnishes a sad commentary to the boasted success of the Revenue administration of the last ten years, commencing with 1867, in which year the new Survey rates were introduced amidst a flourish of trumpets regarding the prosperity of the Talooka, and its capacity to bear the so-called moderate enhancements. The total figures given above fail to give an adequate idea of the desolation of particular villages. In Akola out of 815 inhabitants and 780 heads of cattle, only 76 villagers remain with 20 heads of cattle. In Pimple out of 228 men and 153 cattle, nine men and 3 cattle remain. In Hoolgoodvadi only two men remain. In Bhatul Vadi out of 346 men and 340 cattle, only 77 men and 22 cattle remain. In Lakdi, out of a population of 637 souls and 455 cattle, 16 men and 4 cattle remain. These villages are in fact entirely deserted. There are those who set down this fact of wholesale emigration as a natural outcome of the migratory habits of the people, and who maintain that the men who left their villages belonged to the well-to-do class of the peasantry. Such a supposition is contradicted by the large number of the people who returned back to their villages as soon as they heard of the relief works set on foot by Government. These people, it must be remembered, returned to earn their living by working on starvation wages. Their previous emigration cannot therefore be ascribed to any other cause than their extreme helplessness to support themselves and their families even for one month after they realized the fact that they had to face a famine.

4. Proceeding next to speak of the Bhimathadi Talooka, I regret I have not been able to obtain any information about the whole Taluka collectively. The information is confined to particular villages which are however very fair representatives of the better portions of the Taluka. In the village of Dhond out of a population of 966 souls and 600 cattle, there are left in the village about 350 people and about 20 cattle. In Soungaum, which enjoys the advantage of being situated near the junction of the Nira and Kara rivers, with plenty of water available for drinking purposes, and a large extent of land covered by Government Koorun, out of 1400 inhabitants only 337 have not left the village, and out of 2280 cattle, 680 alone remain in the village. In Morgaum and Kedsgaum more than 50 percent of the inhabitants and about 60 percent of the cattle have left. These villages it must be remembered are all of them most favourably situated. The rest of the Taluka is as wretched as Indapoor, and the accounts received from the agents of the Sabha state that in many villages no lamp is lighted, which in the popular language, expresses the most complete form of desolation conceivable. Baramati is a Mahal under this Taluka. With the exception of the town of Baramati, more than 50 percent of the inhabitants of the surrounding villages have abandoned their homes. In the village of Sawal out of a population of 720 souls and 1150 cattle, there are now left

in the village 103 men and 302 cattle. In the village of Niravagas, out of a population of 740 souls and 590 cattle, only 50 men and 20 cattle are left in the village. If relief works on a large scale had not been started the whole of the Taluka would have been entirely abandoned. Nearly 4000 people are employed on the road from Baramati to Morgaum and from Patus to Supa, and on the Supa and Pundhari Tanks. These relief works are the main stay of the population, and but for them, there would have been nbthing to save the people from wholesale death by starvation.

5. I shall next proceed to speak of the Kurmale Taluka. The general features of the abandonment and desolation of the villages correspond closely with those of the worst parts of Indapoor. In the village of Pophlaj, out of 525 inhabitants and 800 cattle only 75 inhabitants and 60 cattle remain in the village. In Shetful, out of 600 inhabitants and 1000 cattle, only 150 men and 75 cattle remain. In Umred, out of 952 men and 975 cattle, only 100 men and 110 cattle remain. In Zare, out of 1450 men and 1876 cattle, 240 men and 165 cattle remain. In Jintee out of 2200 inhabitants and 2640 cattle, about 400 men and 100 cattle remain in the village. In Pitkeshwar out of 83 men and 57 cattle, only 3 men and 3 cattle remain. In Shetshinge out of 650 men and 400 cattle, 50 men and 60 cattle remain. The village of Vadavali is entirely desolated. In Alegaum, Khurd and Budrick, out of 120 houses and 800 cattle, only 35 houses remain unlocked and about 100 cattle. In Rui only 2 houses remain out of 35. The Sabha has received particular information about the desolation of many other villages in this Taluka, the details of which will be found in the accompanying summary. On the whole Kurmale seems to be one of the worst Talukas in the Sholapoor District.

6. I shall proceed next to give details of the informations received from the Barsi Taluka, which enjoys natural advantages of a better rainfall and a rich soil, and a more prosperous trading population than any of the Talukas mentioned above. It appears from the reports received that about 15000 men and 19000 cattle have left the Taluka. In the village of Mumdapoor, out of 200 inhabitants and 260 cattle, 40 inhabitants and 30 cattle alone remain. In Pimpulgaum, out of 25 inhabitants and 100 cattle, 5 men and 20 cattle remain. In Pangari, which is a rich Bagayet village, out 2175 cattle 625 alone remain. The neighbouring village of Nahanpore has been entirely abandoned by the few people that remained there after the first emigration. The cause of this abandonment is stated to be that a gang of 50 men attacked the village a few days ago, and though the attack was repelled, the people have lost their confidence, and have flocked into Pangari. Altogether the condition of the Taluka, though not so bad as that of Kurmale is wretched enough and, it is quite clear that but for the help afforded by the relief works, it would have been found impossi-

ble to hold the people together. Even as it is, the relief works opened by Government in this Taluka do not appear to be sufficient to meet the wants of the labouring classes who have been thrown out of employment. On the Barsi and Yadsi road during the six weeks that the work has been in progress the number of labourers increased from 600 during the first week to 1500 during the second week, 3000 during the fourth week, and 5500 during the sixth week; and yet there were many more labourers coming to the work willing to labour whole day on starvation wages. Such is the sad plight to which this rich cotton-growing district has been reduced during the first two months of the famine. No wonder if the wretchedness and misery of the less favoured districts is so complete as to baffle all attempts at amelioration which stop short of a complete change in the existing system of administering the land revenue.

7. The Madhe Taluka comes next in the order lying as it does to the south-east of Barsi. In the village of Kurdu, out of a population of 4000 inhabitants and 1450 cattle, there remain about 2100 inhabitants and 450 cattle. These numbers include Kurdu and its hamlets. In the town of Kurdu itself out of a population of 2500 inhabitants and 1088 cattle, only 600 inhabitants and 100 cattle remain. In Angar, out of 3900 inhabitants and 3700 cattle, 2000 men and 1000 cattle remain. Altogether about 50 percent of the workmen and 60 percent of the cattle have left the Taluka on account of the pressure of the famine. In the neighbouring Pandherpore and Sangoli Talukas, about which detailed information has not been received, it appears that nearly 50 percent of the 80000 inhabitants of the Pandherpore Taluka and 60000 inhabitants of the Sangoli Taluka have left their homes, and of the cattle about two thirds have either perished or been removed from the districts. The same observation holds true of the Malshirus Taluka.

8. With regard to the Kaladgi district it appears from the accounts received by the Sabha that the distress there is terrible. The rainfall in this district has been both absolutely and proportionately the most scanty in the whole of the Presidency, lower even than the Sholapoor rain-fall. The rise of prices is the highest compared with the other famine districts. Like Sholapoor the whole district is affected by the famine. Though the affected population exceeds that of any other famine district the amount expended on the famine works show the smallest total about 34000 Rs. in all, being only 10 percent of the money spent in the Sholapoor district. As a matter of fact the relief arrangements in this district were not set on a proper footing, during the first month or two of the famine, and as a consequence the people have left and are still leaving in large numbers for the Nizam's territory. This unreasonable delay on the part of the local officers to com-

mence relief works accounts for the fact that while the tide of emigration has stopped in all the central districts, it does not seem to have received a similar check in Kaladgi. It is only lately that relief works have been opened in that district on any extensive scale, and already hundreds and thousands of labourers are flocking to be employed, till the crowd is so great that the officers in charge of those works find it impossible to register them all. Starvation and cholera cases are happening daily. Hundreds of people are now living on a pin-worth of *Chanas* each. When reduced to such extremities they flock to the works, and as the labourers are not paid daily or on alternate days, they have often to work ten or twelve days before getting any wages. This state of things urgently calls for the most serious attention of the authorities in those parts. I submit that in a crisis like the present, the distress occasioned by delaying the payment of wages must be removed by the enlistment of a number of Karkoons and Mookadums far larger than the few hands at present employed on this work. The Karkoons need not be paid the usual salaries of such posts. There are many Kulkarnies, Deshmookhs, Deshpandes and patels, who are too respectable to work as labourers, and too poor to maintain themselves without assistance. Government is not likely to lend them money as Taggai advances, though they can furnish ample security for the same. Under theses circumstances, they will be but too willing to work as Karkoons or superintendents at double the starvation wages paid to the workmen. By adopting some such arrangement, and undertaking larger relief works so as to give employment to all who need it, the present distress in the Kaladgi District would be brought within more manageable limits. The Government has already treated Kaladgi as an exceptional district by undertaking the purchase and importation of grain, and I humbly request that the same policy may be carried out still further by giving effect to the suggestions made above, and calling for returns from the relief officers of the number of hands employed in making payment to the labourers, and the period which was allowed to intervene between one payment and another.

9. The facts and figures briefly referred to above and stated more at length in the accompanying summary, will leave no room for doubt, that during the first month or two when famine began to be apprehended, the district officers did not realize the nature and extent of the calamity in all its magnitude, and their inactivity drove the people from their homes in search of better lands. The experience of the last month has established beyond doubt that this search for better lands was undertaken in ignorance and helplessness, and has to a great extent ended in failure and disappointment, attended besides with much loss of life both of men and cattle. The relief works were undertaken a month too late by the district officers, or at least no

sufficient steps were taken to notify to the distressed people that Government were prepared to sanction any expenditure that might be deemed necessary to save their lives. If this assurance had been given in the first instance, people would never have emigrated in such large numbers, and the distress and mortality which has carried away hundreds of people would have been obviated to some extent. It is of no use to recal past errors except as warnings for the future. The tide of immigration has already set in the central districts where relief measures have been properly organised. No such welcome change has taken place in the southernmost districts. In the opinion of the Sabha it is necessary that steps should be taken to discourage, and, if possible, to prevent emigration from British territory except in cases where the villagers can satisfy the local authorities that they have a reasonable prospect of getting employment for themselves or pasture for their cattle. It is not fitting even on political grounds that people from British territory should deem themselves exiled by the pressure of the famine from their homes, and should seek a more welcome shelter in Native States. If such protection were really available, the political reasons would not count for much, but as it is, people in their ignorance banish themselves from British territory, where relief is available if they would only intelligently seek for it, into neighbourning Native States where the Native Governments have not adopted special measures of relief, and find too late their mistake. In the opinion of the Sabha the time has come when steps should be taken to put a stop to such emigration and to induce those who have gone away to return to their homes.

10. In the face of the disclosures made by these reports, there will be left little room to doubt that large portions of the Deccan Districts are suffering at present from the worst horrors of the famine. The heartless sophistry which will recoil from the use of such a word, and would rather choose to call it scarcity of grain or a season of high prices, fails to appreciate the fact that, since the opening up of Railway communications throughout India, famine in the old sense of physical, and not economical, inability to obtain grain has become an impossibility. This change of circumstances, however, does not prevent a season of famine from inflicting, as in times past, unmitigated distress upon the large majority of the population who live from hand to mouth and who, finding no occupation in the fields, and possessing no means of purchasing grains, would, but for the relief works, have died as helplessly as though the Railway had not brought a single bag of grain in this vicinity. The rapid increase of the numbers employed on the famine works is the surest test of the extent of the distress occasioned by the famine. In five weeks this number has increased from 1¼ lac to 2½ lacs. In the districts of Poona and Sholapoor where the largest relief works have been commenced, one lac and a

quarter of people are employed on relief works. Taking the affected population of these districts to be 10 lacs, and deducting the 50 per cent of people who first left in the first emigration and have not yet returned, the number of labourers employed is already 30 per cent of the population. It is not unreasonable to expect that the number of those requiring relief will go on increasing to ten lacs which would be about 50 per cent of the present population in the famine districts. This increase of numbers would necessitate the sanction of a much larger expenditure than seems to have been contemplated by Government in its resolution of the 25th of October last. The Madras Government has, it is reported, spent 20 lacs and proposes to spend 80 lacs on a much smaller area than the famine districts of the Bombay presidency. It is true that the Local Government has already pressed upon the attention of His Excellency the Viceroy in Council the necessity of additional expenditure, and now that His Excellency the Viceroy has visited this Presidency in person, it is hoped that at the forthcoming conference in Delhi, the sanction of the Supreme Government for an estimated expenditure of 2 crores will be secured so as to strengthen the hands of the local Government to deal effectively with the crisis when it assumes its worst form. This Presidency is differently circumstanced from Bengal in two respects, first that it yields an annual surplus of 2 crores to the Imperial exchequer, and secondly that the Government on this side of India assumes to itself the rights of being the sole land lord of all revenue-paying lands. Such an assumption imposes on it the duty of supporting its tenants in bad years without consideration of the cost.

11. There is only one point more to which the Managing Committee of the Sabha feel it to be their duty to request the earnest consideration of Government. About the 15th of November 1876 the Government passed a resolution laying down the principles upon which the remissions were to be granted. The resolution was passed upon the report of the Collector of Nasick, but the instructions were declared to be generally applicable to all the districts where there had been a failure of crops. These instructions were framed in a liberal spirit, and directed the remission of the entire revenue where the crops had been only 4 annas, and of one instalment where there had been less than an eight anna crop. Within 15 days from the publication of this resolution the instructions contained in it were nullified by another resolution which fixed a new test for the concession or refusal of remissions. It was not so much the failure of crops in the village or Taluka generally as the inability of each individual holder to pay the assessment that was to be considered a good ground for granting remissions. Such a rule is opposed to the fundamental principles of the Bombay Revenue Settlement, is opposed to the first resolution, and is moreover of a sort which cannot fail to be very mischievously worked in actual practice.

Those men of means who have remained in the village and have kept up their live stock by feeding them upon their burnt-up Bagayet crops, will now be punished for their imprudence in staying behind when their ignorant and pauper compapions abandoned the village and their lands. Remissions under such circumstances have no grace about them. People who can not pay by reason of their poverty do not need remissions. It is only those Ryots who have other means out of which they have managed, notwithstanding the failure of their crops, to maintain themselves and their cattle at an enormously increased expenditure, who will be benefitted by any remissions that the Government will be pleased to grant in consideration of their losses in this crisis. It is not true that the present assessments have been fixed on a general average of the seasons. The assessments have been admittedly fixed at much higher rates and the Government has repeatedly admitted this fact and endeavoured to lighten this burden. Besides, the crisis of a famine is so exceptional that it must be dealt with apart from all analogies of average seasons. Taken along with the restrictions recently imposed by Government upon the transport of cattle by Railway, and the new sliding scale of wages which threatens to inflict death upon many hundreds of persons by the slow process of gradual exhaustion, this change of resolution has created an uneasy feeling all over the country, and the small increase of revenue which may be thus realized will engender much bitterness and misery, and will be altogether too dearly purchased with the loss of the moral strength and confidence which timely liberality in this respect cannot fail to secure. I accordingly request that the resolution in question will be reconsidered, and that steps will be taken to re-affirm the liberal instructions contained in the previous resolution of the 15th of November.

In conclusion I am directed to request that you will submit the foregoing observations and the accompanying narrative before His Excellency the Governor in Council for their most favourable consideration, and I trust that, in consideration of the present critical condition of the famine districts, and also in consideration of the fact that the distress will be aggravated tenfold as the hot season approaches, more liberal and energetic measures will be adopted to cope successfully with the famine than have hitherto been sanctioned by Government.

I have the honor to be

Sir,

Your most obedient servant,

MADHAVRAO CHINTAMAN PADTARE,

For Secretary.

Precis of the letters and representations received by the Poona Sarvajanik Sabha from the agents deputed by it to collect information from the famine-stricken Districts.

Name of the place.	Date of the information received.	Census.	Cattle.	Present number of people.	Present number of cattle.	Water supply.	Works suggested.	Remarks.
INDAPOOR TALUKA.								
Indapoor	13/11/76	8680	...	4963	...	Well water.	... ...	Thirty five thousand labourers employed. Grain supply wanting. Merchants of Indapoor distribute bread of 8 *payalees* to the infirm. The Honourable Mundlik sent 200 Rs. and intends to send 1000 more to the infirm fund.
„	29/11/76	...	...	...	...	... ...	... ...	Tank repairs began. Labourers 1,300. Much corn imported. Two men died from cold at Kalasa. Government sanctioned 5000 Rs. for the infirm. Scarcity of water anticipated.
Akola	„	815	778	76	19			
Pimple	„	248	153	9	3			
Bhatalwadi.... ...	„	346	340	77	22			
Hoolgoodwadi ...	„	38	10	2				
Bavade and Indapoor...	19/12/76	...	...	...	...	Copious	... ...	Labourers sleep in pits. Kum-

Mouje Nimgava..	18/11/76	2934	1373	1784	458	Well water not sufficient.	A tank at Gadad. A road from Malshiras to Pomulwadi.	bles hoisted on poles put up over the pits made in the ground as protection against cold. Great hardship on account of large number of children incapable of work. One death. Government warning to corn dealers circulated. Five thousand labourers employed in the whole Talooka.
,, Dalaj ...	11/11/76	874	1011	475	220	Water of the Bhima.	A canal of the Bhima at this village.	Importation of corn necessary.
,, ,,	8/12/76	...	...	...	...	... ...	... ...	
,, ,, ...	17/12/76	...	...	...	...	... ...	... ...	The infirm are distributed corn &c. The road from Kalus complete. Much corn imported.
,, Bori. ...	19/11/76	1274	571	915	329	Well water insufficient.	A well at Bori. A road from Dicsal station to Bhigwan Akola and Bori.	Nine thousand people are employed on works in all in the Talooka.
Lakadi...	,,	637	455	16	4	,,		
Kazut	,,	1016	578	225	132	,,		
Nimbedi	,,	418	259	88	28	Well water.		
,, Sansur. ...	,,	752	542	257	125	,,		
,, Ghawasi ...	,,	238	127	...	...	The river Nira.		
,, Udhat.. ...	,,	552	367	164	48			
,, Jamb... ...	,,	104	98	0	0			
,, Karota ...	,,	327	147	142	78			

Name of the place.	Date of the information received.	Census.	Cattle.	Present number of people.	Present number of cattle.	Water supply.	Works suggested.	Remarks.
Mouje Chikhale ..	19/11/76	133	63	35	15			
„ Karsorne ...	„	1288	1224	721	181	Well water.		
„ Bori	3/12/76	...	...	...	...	Water insufficient.	Well should be dug.	People abandoned returned. No provision for the infirm.
„	11/12/76	...	...	...	...	... ...	... ...	The infirm provided. Government warning to corn-dealers circulated.
Chandgaum. ...	12/11/76	250	75	75	16	Well water.		
Urti.	„	700	500	100	16			
Palasdeva.	„	2198	1173	1034	220	Water of the Bhima.	Tank near the Sholapoor road repaired. Bayroba tank and Wadi well repaired. A road to the river repaired.	
BHIMTHADI TALUKA.								
Kedaganm	15/11/76	1622	985	777	365	Well water will last for 3 months.	A road from Kedaganm station to Rahu Pimpulganm.	Sixty persons on the work. Same family members not employed, nor an old man and woman with children.
„	12/12/76	...	...	690	325	„	The old tank in the village should be excavated.	Importation of corn necessary.
Supa	16/11/76	4552	3622	3472	976	Well water	The Holkar tank	Twelve hundred people employed

						not sufficient.	should be deepened. Petty water works. Cutting of the prickly pear near road in the village.	on the works. The 2000 Rs. sanctioned for the Holkar tank not sufficient. Many people left on account of insufficiency of wages. Importation of corn necessary.
Mouje Sonagava.	18/11/76	1406	2280	337	681	Confluence of the Kaira and the Neera.	Cutting of the prickly pears and other weeds on the kurun.	One thousnad people on the relief work.
,,	30/11/76	...	...	...	...	... ...	A new road from Baramati to Kalumb.	People returning from Baleghaut and other places as some died through want of food and cold.
,, Patus... ...	23/11/76	...	...	...	...	... ...	... ...	Two deaths through starvation at Hingangava. Five more sick on the same account. The Mamledar sent immediate help to the sick.
,, Dhond		966	600	350	10-15	The river Bhima.	Dhond and Munmar Railway.	
,,	26/11/76	...	...	...	...	... ...	... ...	Importation of corn necessary.
,,	16/12/76	...	...	...	...	... ...	,, A new road from Patus to Karkam.	A dacoity at a Bania's at Sidhatake. Corn sufficient but rates very high.
,, Baramati ...	23/11/76	4775	1800	4378	300	Springs sunk in the river for water supply.	A new road from Baramati to Mahad.	Jwari 8 seers. Importation of corn necessary. Karbi ¼ anna for a shieve.
,, Medaj ...	,,	855	597	468	232	Spring water.	Cutting of prickly pear.	One hundred twenty five labourers employed.
Saval	,,	721	1125	103	302	... ...	A Dharmashala and a well.	
Jalavale	,,	469	938	209	556	Spring water.	,, ,,	
Niravaghaj ...	,,	740	590	50	25	River water.		
Pimple	,,	149	472	54	390	Want of water.	A tank in the village	
Malad	,,	321	436	154	79	,,	... ...	Thirty six villagers employed.
Tandoolwadi ...	,,	788	1691	176	621	Water insuf-	Road from Barama-	

Name of the place.	Date of the information received.	Census.	Cattle.	Present number of people.	Present number of cattle.	Water supply.	Works suggested.	Remarks.
Rui	23/11/76	324	562	153	390	ficient. Spring water insufficient.	ti to Nimbathana. A spring should be sunk.	
Vairaj	„	...	...	...	...	... ...	A Dharmashala in the village; the two tanks in the vicinity cleared.	Khareep crop only two annas. A police gate necessary.
Pandari	19/12/76	...	...	...	...	Spring water and well water fetched from a long distance.	The spring should be repaired.	Three hundred employed on the clearing of the tank.
KARMALE TALUKA.								
Kasba Jinti ...	18/11/76	2211	2640	350 400	600	Well water insufficient.	The tank here and a well delapidated to be repaired.	Some of the villages in the neighbourhood altogether abandoned.
Tembhoorni ...	21/11/76	4170	2676	100	500	... ...	....	People gone to Nizam's territory returned through hardships. Importation of corn necessary.
		houses		houses				
Shirval	„	125	355	25	50	... ...		
Najurli	„	h. 80	400	h. 17	50	Well water will last for 2 months.		
Shevari	„	„ 88	400	„ 19	40	The river Bhima.		

Chandan	21/11/76	„ 100	600	h. 20	40				
Wadwali	„	„ 300	200	none	none				
Takali	„	„ 140	800	„ 40	75				
Alegava Khurd...	„	„ 60	400	„ 15	30				
„ Budruk..	„	„ 60	400	„ 20	75				
Rui	„	„ 35	200	„ 2	10				
Adhegaum... ...	„	„ 75	500	„ 30	100	Well water insufficient.			
Nimbgaum... ...	29/11/76	1211	936	650	350	Well water lasting for 5 months.	A new tank should be sunk.		
Upalbet	„	1150	1000	200	300	„ 3 months.	„		
Shetshingi... ...	27/11/76	650	400	50	60	„ 4 months.	A new road and a tank.		
Moujo Dhaiwali..	„	1190	850	500	250	„ 5 „	„		Importation of corn necessary.
Zari	„	1453	1875	240	175	Well water and spring water.	... ...		
„	1/12/76.	...	...	...	...	... ...	... ...		Fifteen thousand people employed in this Talooka. Works exacted with the greatest rigour. Remission to Bagayat lands necessary.
Pophlaj	15/11/76	525	800	75	60	Well water...	... ...		
Shetfala	„	607	1000	150	75	„ ...			
Umbrali	„	925	975	100	110	„ ...			
Kem	21/11/76	3400	10000	2200	1000	Well water will last for 5 months.	Water works near the village.		Greatest distress for cattle. The Collector has authorised the Mamladar to open all possible useful works. The Mamledar asks for a sanction of 5,000 Rs. for opening two water works here. The infirm provided.

Name of the place.	Date of the information received.	Census.	Cattle.	Present number of people.	Present number of cattle.	Water supply.	Works suggested.	Remarks.
MADHE TALUKA.								
		houses						
Koregaum	21/11/76	100	1000	25	1100	Well water...		
Koordoo	11/11/76	2496	1088	600	125	Well water not sufficient.	The two delapidated wells to be cleared and rapaired. Two Dharmashalas and a school house should be erected A new road from this village to Pundherpoor.	
,, ...	4/12/76	...	...	...	...	,, ,,	The Dharmashala put in the Budget for 1877-78 should be begun at once. A tank on the Pundherpoor road.	The slight produce in the Bagayet lands not exempt from assessment. An extreme hardship.
,, ...	18/12/76	...	...	...	...	,, ,,	The 2 wells should be cleared and deepened. A tank in the valley of Narsoba.	The Government warning to corn dealers circulated, 9,000 people employed in this neighbourhood.
Pathakule	20/11/76	1850	2600	1200	1100	No water in the village but fetched from a mile off.	A tank here and another at Yawati.	

Pathaknle	7/12/76	...	...	465	150	... ...	... ...	Four thousand people employed at Babulgava tank. Many persons that cannot work as labourers for their name. Great scarcity of water.
Angar	19/11/76	3887	3713	2000	1000	A streamlet dried up. Springs sunk.	A Dharamashala. A new road from Angar to Pundherpore.	
BARSI TALUKA.								
Barsi	5/12/76	...	...	...	...	... ...	... ...	The labourers on the work 5,500. One per cent of the labourers die of cholera and other diseases. Cholera mixture used extensively. No provision for infants, at least half an anna necessary.
"	16/12/76	...	...	...	...	... ...		The Government warnings to corn dealers has been duly circulated; cholera appears on account of bad food; 60 deaths on that account. About 15,000 men and 19,000 cattle have left this Taluka during the last 8 months. About 1500 labourers employed. Satisfactory measures have been notified by Government in respect of cattle. The proposed Bhugawati tank refused.
Panagava	15/12/76	4000	...	660	...	Tank water will last for 3 months more.	... ...	The warning given to corn-dealers by Government through the Sabha duly communicated. The infirm are given corn by Government.

Name of the place.	Date of the information received.	Census.	Cattle.	Present number of people.	Present number of cattle.	Water supply.	Works suggested.	Remarks.
Kasice Pangari...	22/11/76	3580	2175	3130	635	Well water.	A tank should be sunk here.	One thousand labourers employed on the Barsi and Edasi works. A gang of 50 thieves visited Nahanpore but pelted away by the inhabitants. That village has been altogether abandoned. A dacoity took place at Kulsunil. Six persons wounded.
Nahanpore... ...	"	198	164	none.	none.	River water.		
Pimpulgaum.....	"	125	100	5	20	"		
Ghari	"	500	500	100	100	"		
Puri	"	400	375	300	50	"		
Pandhari	"	300	500	250	75	"		
Chincholi	"	567	639	425	275	Well water.		
Mamadapore ...	"	298	250	40	30	River water will not last long.		
Moujo Korphale.	29/11/76	2019	2576	1719	2241	Well water will last for a month.	... ...	Two hundred and two labourers employed.
"	16/12/76	...	...	...	...	Sacrity of water.	The two tanks in the village should be repaired.	Two hundred and forty people employed. The work will last for 2 months.
"	20/12/76	...	...	...	...	... ...	A new road to Barsi by Mohol, Anagar and Narkhed.	On works 550 persons employed; 5000 people in the Taluka wanting work. The gift to the infirm not

Pangari	1/12/76	...	...	...	...	Well water insufficient.	... ...
,, ...	9/12/76	...	...	...	...	... ...	... ...
,, ...	16/12/76	...	...	...	...	Great scarcity of water.	... ...
PANDHURPORE TALUKA.	21/11/76	16000	...	15000	...	Canal water in the town and the river Bhima.	
AHMEDNAGER TALUKA.	10/11/76	773938	...	773638	...	Nagabai Nul and some other Nuls will last for two months.	Munmar Railway.
THANA COLLECTORATE.							
Umbergava... ...	11/12/76	...	...	...	...	... ...	... ...

properly conducted in villages. Remission necessary.

Cholera prevailing on the works.

Cholera abated.

The answer to the Sabha containing a warning to grain-dealers duly circulated. Many deaths occurred through starvation but 6 definitely known; 4000 persons employed on the works

New springs will have to be dug for water supply. Population in the Taluka 79364, nearly half of every village abandoned. Cattle 50000 in the Talooka, nearly half the number remaining. The subordinate Judge cannot be too highly parised for his efforts and trouble for the distressed.

One thousand persons employed on the ordinary repairs of roads &c.

4-6 anna crops. Mr. Narayan Bhicajee Dimpulskar offers to maintain 1000 cattle if Government or private persons take them to Um-

Name of the place.	Date of the information received.	Census.	Cattle.	Present number of people.	Present number of cattle.	Water supply.	Works suggested.	Remarks.
Sangoli.	21/11/76	4000	...	...	...	Stream water now dried, new springs sunk.	... ...	bargava station. Jwari 6 seers.
Kaladgi.	11/12/76	...	...	...	...	... ...		Great distress. Grain not sufficient. No Karbi for cattle; 35000 people will have to be supported. No importation.
DHARWAR COLLECTORATE.								
Rona	10/12/76	...	....	...	...	... .	... ...	The best buffalo can be had for 3 Rs. Karbi at 8 Rs. per 100. People expect to be fed on Bamboo-seed. Importation of corn necessary. Cordage plants and prickly pears used as fodder. In Gaduck a boy was bought by a missionary for 4 annas. Many villages desolate; 20000 people employed.
Navalgund... ...	4/11/76	...	...	...	...	... ...	... ...	No rain throughout the season. Khareep burnt, Cotton burnt. Grain sowing usually limited. Cotton sowing extensive; 95 villages in the Taluka altogether deserted.

								Importation of corn necessary.
PURUNDHER TALUKA.								
Mouje Vira... ...	18/11/76	2300	1700	1500	700	Well water and a streamlet, water supply scanty.	The Neera canal.	Importation of corn necessary.

LOCAL.

No. 8 E.—45 of 1877.

PUBLIC WORKS DEPARTMENT.

Bombay, 12th January, 1877.

FROM

THE SECRETARY TO THE GOVERNMENT OF BOMBAY.

TO

THE SECRETARY TO THE SAVAJANIK SABHA,

POONA.

V.—Establishments.

SIR,

I have the honour to acknowledge the receipt of your letter No. 1, of the 1st January, forwarding the Sarvajanik Sabha's "Third famine narrative, containing a summary of the reports and returns received by the Sabha from its Agents in the famine districts."

2. In reply, I am directed to thank the Sabha for the report, and for the information and suggestions it contains, and I am to remark as follows.

3. Government have received no authentic reports of any deaths from starvation in the distressed districts.

4. The reports which Government continue to receive from their Officers, and especially from the Sanitary Commissioner, respecting the condition of the labourers on relief works, are very satisfactory; these reports are, from time to time, made public.

5. The sliding scale on relief works adopted by Government is based on intelligible principles, and provides that a man so employed shall never receive less than one anna in addition to a sum of money that will purchase 1 lb. of grain.

6. A heavy calamity has fallen on the whole community, and the poorer classes must bear their share of suffering. Government have no desire to carry on works to the extent that such works are now being prosecuted, apart from the question of relief; or to expend the large sums of public money upon them that are now being spent. All that Government could rightly do in the interests of the entire community, is to afford people, who might otherwise starve, an opportunity of earning a bare subsistence, in return for such labour as they are able to perform; and the sliding scale of wages, while it secures that a labourer shall receive sufficient to support him in health, adjusts and equalizes the rates of wages over the whole affected area, and regulates them in proportion to

the prices at which food is procurable; if it were not for the sliding scale—as the price of staple food-grains varies greatly in different localities—persons on relief works might, in some districts, earn more than a subsistence, and an injustice would thus be done to the general tax-paying community; in other districts the labourers would, in the absence of sliding scale, earn less than a subsistence, and would in consequence be sufferers.

7. The question of remissions, cannot, I am to say, be properly discussed; it will be decided after careful enquiry at the proper time.

8. As regards the subject of migration, I am directed to say that, although it must be accepted as an indication of considerable pressure having come upon the people, Government cannot but think that, in many cases, especially in those of persons migrating in charge of cattle, the movement is a beneficial one. Government have not neglected to enquire into the condition of the people, who have migrated, in their new or temporary abodes, and are under no apprehension in respect to these people. Many are in attendance on cattle and have means, others have found employment on relief works and there is every reason to expect, that, when the time for preparing the land for the next monsoon crops arrives, they will all, or most of them, return to their homes.

Bombay castle,
12th January 1877.

I have the honour to be,
Sir,
Your most obedient servant,
M. K. KENNEDY,
Major-General R. E.
Secretary to Government.

SIR ERSKINE PERRY'S NOTES ON THE DECCAN RIOTS REPORT OF 1875.

The Deccan Riots Commissioners' report contains what we regard to be the most recent and authoritative declaration of the nature and extent of the evils which have afflicted this part of the country for the past ten or twenty years, and although the local authorities here have done their best to nullify the value of the Commissioners' labours by overruling their most pregnant suggestion for reform in the fiscal settlement of the country, yet the new Civil Procedure Code, and the proposals contained in the Bills recently brought before the Supreme and local Legislatures by the Honorable Messrs Cockerell and Ashburner, show that the report will not be allowed to pass into oblivion as a matter of historical, more than of *living*, interest. In England, the Report seems to have attracted some notice, and we have been permitted to peruse a most important note on the subject of the reform of the Civil Courts written by Sir Erskine Perry, and circulated by him among his English and Native friends. Sir Erskine Perry is one of those rare Anglo-Indians who does not belong to the services, and whose experiences of India and its people are not therefore tainted with the prejudices which the representative members of the services generally carry with them even after retirement. His famous protest against 'the Press Act' shows that the lapse of years and the advance of age have not cooled either his love of free institutions, or the kind concern which he has all along felt in the

interests of progress and education in this country. Among the educated natives of the Presidency town, and those who cherish the traditions of the old Supreme Court, his name is a house-hold word, though more than 25 years have elapsed since he retired after a long career of remarkable public usefulness, both in his capacity as Chief Justice, and member of the Board of Education. The opinions of such a distinguished philo-Indian, writing with the full sense of his responsibilities, cannot fail to be both an instructive and useful contribution to the discussion of the subject, and as we have never seen the note published in any other paper in India, we make no apology for publishing it *in extenso*, and inviting the freest criticism upon the suggestions for reform made therein. We are of course not to be understood as adopting all the opinions expressed therein without comment or reserve, but as they come from such a great Anglo-Indian authority, they are entitled to the most serious consideration of even those who like us may not agree with him to any great extent.

Note on Report on the Deccan Riots of 1875.

Lord Salisbury,

As I have had considerable experience in the dealings between Indian money lenders and their pauper debtors, and also with the operation of an Insolvency Act in India, * I venture to submit to my colleagues some suggestions as to remedies applicable to the evils that have been portrayed to us in this interesting report and its appendixes.

* An Insolvency Act is in force at Bombay, whereby any prisoner can obtain release by making over his property to his creditors. Under the Supreme Court, also, one Judge sat once a week for the trial of small causes, in which cases were disposed of without forms or pleadings, or the presence of advocates. The Court sat as a Court of Equity, and there was no appeal.

I do so, not for the purpose of eliciting any action in this country, but with the view that if the Secretary of State thinks there is anything plausible in my proposals, he may transmit this note as a sort of *memoire pour servir* to the authorities in India, by whom alone such a measure as I suggest below can be matured.

Two facts, I think, stand out broadly on the evidence we have before us; first, that the power of the money lenders over the labouring population of India is increasing to a most disastrous ex-

tent; and, second, that this increase of power in creditors inducing extortion, frauds, and oppression, is distinctly attributable to our own institutions.

With regard to the first point, I am not prepared to maintain that the olden times were halcyon days for the ryot; and I think it very likely that when the cultivators were "*gens taillêables et corvêables à volonté*," they got little more share of the produce of their labour than they do now. But the distinction is, that when, in the old time, they were over much screwed by rapacious farmers of the revenue, or by needy zemindars, it was put down as injustice (*zulm*) and submitted to as fate (*nusib*), now it is seen to be the direct action of Government, instigated by the creditor, that inflicts all the injury. Neither do I desire to enter into any diatribes against Indian money lenders as a class. So far as we know, they always have existed as a necessary element in Hindu society, and they seem essential to the system of land revenue, which has enured from time immemorial. But what comes out quite clearly in this sad history of Deccan village communities is, that under our rule the class of money lender has not only greatly increased, but the composition of the class has undergone changes most prejudicial to the borrowing population.

1st. Under Native rule, speaking generally, land had no saleable value, in the Deccan certainly none. By our careful and systematic surveys, and by the moderation of the Government demand we have given it a value of five to forty years purchase.* The credit of the ryot, therefore, has greatly increased, and he has been enabled proportionally to increase his borrowings.

* *See* memorandum by Mr. Shumbuprasad· p. 28, Appendix B.

2nd. Under Native rule Government gave little or no assistance to creditors to enforce their claims. There were no prisons to confine debtors in, no sheriff's officer to sell their property. The creditor was left to his own resources, to sit in *dharna* at his debtor's door, to batten a peon upon him, whom the debtor was bound to maintain, &c. &c., and the system functioned probably tolerably well, for the good relations of neighbourhood and race operated between creditor and debtor to prevent oppression, and each was essential to the other's welfare. Now, as the digest of evidence shows us, Anglo-Indian law gives greater power to creditors, and is more unfavourable to debtors than that of any other civilized country.†

† Appendix B., p. 105.

Every large Deccan village under the Peshwah no doubt had its money lender, but he belonged to the village and to its *quasi* corporation, he was either a Bramin, or a Bunneah, speaking the same language, worshipping at the same temple, and undoubtedly greatly subject to that potent factor in a Hindu village, public opinion. Now, into almost every Maratha village four or five money lenders from Marwar have penetrated, having no sympathy and no

connection whatever with the villagers in language, race, or religion, and undeterred by any scruple from exerting the vast powers put into their hands by Government, for the realization of their too often fraudulent bonds. The result of all this is that a hopeless state of insolvency and distress has grown up among the agricultural population of the Deccan, which not unnaturally led to the riots of 1875.

I have already intimated that these sad consequences may be directly traced to the Britjsh Government, and to two institutions in themselves of the most beneficent character, introduced by ourselves, (1) the moderate assessment placed on the land, (2) the establishment of regular Courts of justice.

I will not rest these propositions on my own authority, but will quote in support of them the matured views of the distinguished Sir George Wingate, by whom the Bombay survey was planned and superintended. He says—

"This miserable struggle between creditor and debtor is thoroughly demoralizing to both. The creditor is made by it a grasping hard-hearted oppressor. The debtor, a crouching false-hearted slave." "*The evil is clearly traceable in my opinion to the enormous power which the law places in the hands of the creditor.*"*

* Appendix B., p. 187- Imprisonment

"The facilities which the law affords for the realization of the debt, have expanded credit to a most hurtful extent. In addition to the ordinary village bankers, a set of low usurers is fast springing up, by whom small sums are lent, for short periods, at enormous rates of interest, to the very lowest of the population, who have not credit enough to obtain advances from the more respectable of the village bankers." Since Sir George Wingate wrote in 1852, other causes have operated "to aggravate immensely the evil which was then discerned."*

* Report, para. 62.

I might multiply quotations *ad infinitum* to show the skill and chicanery practised by artful Marwaris on their ignorant clients, and how completely, by the renewal of their bonds, the manipulation of the Court decrees, their powers of imprisonment and sale, these money lenders have reduced the ryots to a state of helotism. But the above summary, by so competent an observer as Sir George Wingate, contains, I think, a sufficiently authoritative exposition of all the evidence before us.

I will only add an extract from the report of the Revenue Commissioner in 1858:—

"The aid given by our Courts is all on the side of the Marwari, who alone knows how to turn that aid to his own advantage. The position of the litigants is not, therefore, simply of debtor and creditor, it is the fraudulent Marwari, backed by Civil Courts, *versus* the helpless ryot, signing any bond without even a due

"knowledge of its contents, and powerless to oppose any decree that "may be passed."

What then are the principal remedies which have been suggested by the Commission and by others as fit subjects for legislation?

1. Abolition of imprisonment for debt.
2. A general Insolvency Act.
3. Immunity from seizure in execution of the instruments of trade or husbandry (*averia carucæ*).
4. Restrictions on the sale of land, and by some its total immunity, for judgment debts.
5. Adoption of the old law of limitation.
6. Localizations of Small Cause Courts.

To the first three of these I am disposed to give unqualified adhesion, and the whole of the fourth and fifth deserves the most careful local consideration, any exceptional legislation that may be deemed necessary to protect petty landowners being fully justified by the precedents which have been created in favour of the larger landowners in Oudh, Gujarat, Sindh. But any measures on the subject require such minute local knowledge that, in my opinion, they can only be properly dealt with in India. What I desire to discuss here is the localization of Small Cause Courts throughout the country.

By the avowal of the Judges themselves, they have not time under the present system to dispose efficiently of cases where the defendant is a poor man. Both the Commission and Mr. Shumboo Prasad point out forcibly the advantages which the money lender possesses over his debtor under the existing system of judicature. It is inevitable, perhaps, that the best devised scheme of judicial establishment should give a wealthy and unscrupulous suitor great odds over his adversary. He can retain the best advocate, he can tire out his opponent by protracted litigation, he can carry his cause from one Court of Appeal to another, to say nothing of his superior means to obtain suborned evidence.

* Report, para. 93.

All these difficulties in the path of a poor suitor are much enhanced if the Courts of justice are at a great distance from the spot where he earns his daily bread.*

It is the business of Government to correct these inequalities so far as possible. We have succeeded in doing so to a certain extent of late years in England, and to a very limited extent in India, by the establishment of Small Cause Courts; they have done so much more thoroughly in France. In that country small causes up to 100 francs are tried in every village before the Juge de Paix. The proceedings are summary; written pleadings are prohibited, although the parties may deliver to the Judge written statements of their cases; the parties are examinable, and an appeal lies on a demand exceeding 50 francs to the Court of Premiere Instance.

I think it is well worth the consideration of the authorities in India whether some such institution as this might not be usefully

imported into India. Hindu village life formerly was well acquainted with the administration of local justice. When no Courts, Joint Judges, or Munsiff's were located at a distant Zillah town to decide petty disputes according to the formal procedure of the code, a village Punchayat was always at hand to dispose of disputes between brother villagers. If in certain cases the preponderating influence of a great man in the village prevented full justice being done, this would be only exceptional, and might be prevented by sage provision. But we may be quite sure that in the great majority of plaints much greater knowledge of the facts of each case was obtained, much less mendacity was attempted, than occurs in the best tried case before the most experienced British Judge of the present day.

There seems good reason to believe that, at an extremely small expense, it would be feasible to establish a small cause jurisdiction in every considerable village throughout the Deccan. The patel might have authority to summon a Panch of three or five individuals to dispose summarily and without appeal of every money claim up to whatever small amount was thought appropriate. Every Judge also, from the Zilla Judge downwards, should be invested with a small cause jurisdiction graduated in amount, and I would earnestly express my belief that if the Zilah Judge himself could give one day a week to the disposal of small causes he could confer no greater benefit on the community. My experience of summary jurisdiction during twelve years that I exercised it led me to the conclusion that there is no part of a Judge's duties in which judicial functions can be more beneficially exerted, but there is none which requires more experience and self-control, none in which the temptation to haste and capricious decision, amongst the mass of mendacious evidence thrown at the Judge's head, is greater, none in which the necessity for application of sound principles of equity so constantly occur. An experienced Zilla Judge sitting once a week to hear the cause of the poor, and devoting all his acumen and patience to unravel the entangled statements of ignorant and often fraudulent suitors, and finally to apply just principles to what, after painful inquiry, he believes to be the truth, would, besides the effective discharge of business, serve as a model to all the subordinate Judges of his district. And if he felt that, even if successful, he was labouring in an obscure field where little reputation was to be obtained, he still would experience some of those feelings of self-satisfaction which Cicero avowed in a letter to Atticus after engaging in similiar duties in Cilicia.

But it will be said, the proposal now made involves a complete reorganization of our judicial establishments, and a great increase of expenditure.

I admit the first part of the objection, but deny the latter.

Under the present system, as I understand it, our principal civil Courts are established in one place, at the Zillah or county town, and this, in my eyes, is a most faulty arrangement, as it is admitted to be by the Commission.

But what is the remedy that they, and especially Shumboo Prasad Luxumeelal, recommend? They suggest that a subordinate Judge should make regular circuits to the different villages; and I admit that this would be a great improvement. But it involves the necessary charges of moving about a numerous establishment, it conflicts with the sedentary habits of ordinary Hindoo Judges, it induces all that procrastination of trials of tendency to hurry in the disposal of business which circuit experience makes us acquainted with in England and for all these reasons some of the best authorities in India think the proposal impracticable.

With respect to the expenditure required for investing patels with jurisdiction, for giving all our civil Judges small cause powers, and for locating the subordinate Judges in different parts of the zillah, I consider that, by judicious arragements, it would be a less costly scheme than that now recommended by the Commission.

E. PERRY.

1st December 1877.

Further Note on Report on the Deccan Riots 1875.

As I understand that legislation is proceeding at Bombay with respect to remedial measures to be applied to the Deccan, I beg to supplement my former note with some useful information I have obtained from Paris through the assistance of Sir Frederic Golda-mid.

By the Commissioners' report it appears most clearly that the great distance which suitors have to travel in order to reach a court of justice must frequently amount to a denial of justice. A poor man sued for 10, 20, or 50 rupees, who has to attend a court 60 miles from his home, will usually find it better economy to let judgment pass against him by default, however good a defence he may have had to offer. And this, the evidence informs us, is what constantly occurs.

This Office does not supply the means of ascertaining what the average distance is in the Bombay Presidency between suitors and courts of justice, but Vol. II, of the Bombay Gazetteer (1877) gives us precise details as to two districts. Surat and Broach.

The district of Surat, it seems, has a population of 607,087, and seven civil courts of which four, including a small cause court, are located permanently at the town of Surat. All civil business in the district comes in the first instance before subordinate judges, of whom there are four, and it appears that each judge has an average jurisdiction extending over 417 square miles, and a population of 151,772 souls.

The average distance of the court from the six most remote villages is as follows.

	Miles
Surat town, First Class Subordinate Judge	61
Ditto Second Class, ditto	35½
Balsar. „ „	25
Olpad „ „	61

In Broach the population is 350,332 and there also there are four subordinate judges, each with average jurisdiction over 634 square miles and 87,580 souls.

Average distance of court from the six most remote villages:—

	Miles
Jambúsar	27
Wagra	33
Broach	27
Ankleswar	20

To an English eye it may occur that these latter distances are not extravagantly great, but it must be recollected that the greater part of the district is absolutely without roads, and without a pebble in its deep black soil to aid in making them.

Now let us compare how the Government of France has provided for the legal wants of their population.

That country, containing a population of over 38,000,000, is divided into 2,850 cantons, to each of which is appointed a juge de paix, with certain small civil and criminal jurisdiction, described in the appendix. Each judge therefore, has an average jurisdiction over 13,346 persons, and resort to his court can be obtained by suitors without the necessity of sleeping a single night from home. It will be seen by Sir F. Goldsmid's letter that the salary of the great majority is only frs. 1,800, or 72*l.*

In my former note I alluded to the possibility of deciding small causes in the Deccan villages by the aid of a Panchaiat, and such proposal has much to recommend it on economical grounds, and on its probable popularity as a Native institution. But Sir Geo. Wingate informs me that although it might be applicable in certain localities, still having tried the Panchaiat during his settlement operations, he was forced to abandon its agency, owing to the dilatoriness of its proceedings. But whether in the shape of a Panchaiat or of a village court, it appears to me that, as we have introduced into India a formal system of judicature after European models we are bound in duty to the poor to fix our courts of justice in places where they can be approached without ruin.

11th January 1878. E. PERRY.

A few observations upon the subject touched upon in these notes may not be without their use in

helping to a proper understanding of their general drift. The notes show in some places that Sir Erskine Perry is not correct up to date in his representation as regards the existing condition of the Civil Courts, but there can be no difference of view as to the main point, namely the desirability of localizing revived Panchayet or Small Cause Courts broadcast all over the country upon the French plan advocated by him, so as to make justice cheap and accessible to all. Mr. Wedderburn's proposal of encouraging the Panchayat conciliation Courts must form a counter-part to the scheme laid down in Sir Erskine Perry's notes. In fact, without this frank association of the people in the work of administering justice, neither of the two schemes would succeed. The writer of these observations submitted a few years ago in the columns of the *Times of India* a scheme for the reconstitution of our Civil Courts, which, if it were honestly carried out, would give effect to all the reforms suggested above, and afford the best guarantee for their successful working. The proposal is to assimilate the machinery of our District and Subordinate Courts to the constitution of the English Common Law Courts at Westminister, with their civil and criminal circuit powers and jurisdictions, and supplemented by the help of local county Courts and Courts of Small Causes for the larger towns. Under this scheme, the District Court would consist of the District Judge, the Assistant Judge, and three or more of the Subordinate Judges, according to the size and litigious character of the district. The four or five Judges sitting together, or in benches as division courts, would take cognizance of all the more heavy litigation of the district, relating to disputes about real property, or partnership matters involving matters of account, and disputes regarding personal status. At present each Sub-Judge's Court is for all practical purposes an independent court of the most ample jurisdiction, and disposes finally of all the heavy cases, with the inevitable consequence of an appeal to

the single District Judge, and a further appeal to the High Court. Under the proposed change, the District Court would have original cognizance of the whole of these heavy and contested suits, and there would be only one appeal to the High Court. The High Court would hear appeals from decisions both of fact and of law, in order that no failure of justice may remain unremedied, as is too often the case under the present system, when the High Court is too often obliged to accept a wrong finding on facts, and wriggles itself out of an unjust confirmation by a stretch of its discretionary interference.

The advantages of concentrating all the more heavy litigation in one central place are too obvious to need any lengthy disquisition. Not the least of these expected benefits is that this concentration would surely bring about a much desired elevation in the position of the local Bar and Bench, acting as they would inevitably do under the stimulus of a wakeful public opinion, and healthy competition. The District and Assistant Judges would also acquire that intimate knowledge of original work without which they can never hope to be good appellate Judges. The suitors and the witnesses would not be put to any unnecessary inconvenience or expense by reason of this change, they would in fact be gainers in every way, for the evidence in all disputed cases would be taken on the spot, or as near to the place as possible, by the Judges going on circuit during well-determined portions of the year, which would correspond with the non-rainy season, when the country people are disengaged from their work in the fields. These circuit Judges would receive the evidence upon all questions of fact on the spot before the only local public opinion which has any influence with the witnesses, and, if there was no point of law involved, would decide the case then and there. All points of law would be reserved and argued in the District Court during term time. While this arrangement would provide a sufficient machinery

for all the more heavy litigation, the decision of the petty suits would have to be left to a set of Small Cause Court Judges assisted by village Punchayet tribunals. These Judges also would, for half the year at least, hold peripatetic courts, going through the small number of their villages at convenient intervals, and bringing justice home to the door of the poorest Ryot. The present Subordinate Courts, deprived of their more heavy litigation, could well afford to undertake this work of itinerary conciliation. At present they are so over-weighted with work that it is hardly possible for them to discharge with effect any portion of their proper duties of mediation and conciliation, except on the principle of purely mechanical despatch.

Those who have practical experience of the work know the value of the check of local opinion upon perverse lying. These itinerary Judges should in all cases be assisted by a board of Jurors or Panch to be selected by the parties from the village or Talooka to which they belong, and to whom the case should be referred for decision in the first instance, and, in case of their not coming to any agreement, the Judge should dispose of it himself according as he agreed with one or other of the Jurors. This was the old native plan of administering justice, and it worked well under the Peshwas, and also under the revived Satara dynasty. The parties were in the first instance referred to the Daiva or village Punchayet to be named by them, and the Judge or Government only interfered in case the board failed to agree, or its decree was not acquiesced in. Of course the larger towns would require the presence of permanently located Small Cause Court Judges to decide their petty cases. The existing arbitration courts machinery would, under the plan suggested, be encouraged and legalized, and their co-operation in the work of administering justice in the larger towns freely utilized. The present system of original, appeal, and special appeal courts is based on a principle of distrust, suspicion, and division. We

would substitute in its place a plan of conciliation, of confidence, and concentration, and free association of the people in the work of justice. The present system multiplies appeals needlessly, encourages the dishonest litigant to use all the resources of the law to baffle justice, involves endless delays and heavy expense by holding the inquiry far away from the homes of the witnesses, provides no machinery for the education of the people, does not secure the growth of a strong District Bar and the training of a Bench acquainted with original work, fails to secure all available checks against perverse lying and misapprehension, and, as a result of all these causes, the justice administered is not acquiesced in as a final termination of bitter misunderstandings, but only spreads and intensifies the venom of family and private dissensions and bickerings. All these evils will be remedied, and we believe, without any sensible addition to the expenditure incurred by Government, if the scheme summarized above were honestly worked out in full sympathy with the people. This, in brief, is our contribution to the subject discussed with such a mastery of details in Sir Erskine Perry's notes, and we invite the fullest discussion of the merits of the plan of reform proposed.

MARATHA BAKHARS OR CHRONICLES AND GRANT DUFF'S HISTORY OF THE MARATHAS.

The ungraciousness of the historic muse of ancient India is an admitted fact, and therefore but few people are found willing to propitiate her, as they are convinced that she can at best yield but scanty and uncertain gifts. Nor is this state of things to be wondered at. A subject and oppressed nation can take little pleasure in recording its shame and defeat. Moreover, if we consider the political changes and convulsions which have happened in our country since the Mahomedan conquest, and the subsequent intolerable bigotry of many of the Mahomedan kings, we shall be able to account for the paucity of our national works on history. Eight centuries of galling subjection to conquerors totally ignorant of Sanscrit, and the sack of every capital city by savage enemies, have made fearful havoc in the literature of the country, especially in that department of it which may have been devoted to the celebration of the nation's ancient glory, and the exploits of its Rajput heroes. The hideous gaps thus created in the edifice of our national history can now but be very imperfectly filled up. If ever we had our ancient Herodotus and our Xenophon, we have long since lost them, and perhaps are not likely to find them again. Coins and inscriptions, panegyrics of the tribal bards and Charans, and heroic legends sung by the court poets, are the materials with which we are now constrained to build anew our ancient house. Fragile as the materials are, they do not strike deep root into the past, and hence we are obliged to confess our inability to compose our ancient history, from the Mahabharat

to the era of Mahamood of Ghazani from pure Hindu writings. We have indeed our Purânas and so called Itîhâsas, but these documents, excepting perhaps the Râj Tarangini and parts of the Vishnu Purâna, do not contain much matter for real history. Mythology, scraps of ancient and modern history, local geography, and morals, are all jumbled together in these works in an inextricable confusion. The prosecution of the study of ancient Indian history, with materials such as those above described, however it may amuse or call forth one's speculative powers and ingenuity, cannot,we fear, under existing circumstances be made to yield results in any degree commensurate with the labour expended. We get, indeed, a number of names, but often no dates at all, much less any facts. The very rudiments of political history are wanting, and were it not for some synchronical foreign authors, it would have been nearly impossible to make any sensible progress in the ancient history of India. That some progress has of late been made is due to the writings of ancient Greek, Latin, Chinese, and Mahomedan authors. We must confess to a fear that no amount of research will ever enable us to collect sufficient materials for a truly national history, or, more correctly speaking, to rehabili tate the annals of the past from original writings.

The ancient history of Persia has sustained a similar injury at the hands of the same unrelenting enemy. The peasant and the landed proprietor (Dehakan) of ancient Persia were fond of their country's traditions and history, and cherished them with great care. Caliph Omar destroyed both their ancient religion and their ancient histories. The ancient heroic traditions were preserved from total oblivion by Ferduse's genius, who embalmed them in the immortal Shahanamah, stripped of their religious garb, and made to do duty for secular history. All the native wildness of the original allegory reappears in this epic in a most exaggerated form, and throws doubt and discredit on the whole history of the country. Under this system of trans

formation, the Traitan of the Vedas has become the Feridum of the Shahanama, who wounds and imprisons Zohoka, a three-headed tyrant on the throne of Persia, who had killed Jamshid. The Zohoka again is the Vedic three-headed serpent Ahi. The Persian convert was anxious to secularise the traditions of his forefathers, while the orthodox Bramhin was anxious to subordinate them to the purposes of religious creed. Both were assisted in their work by the destruction of the old writings of their countries, and the result in both cases has been the same, an utter perversion and distortion of history.

It is not with a view to discourage antiquarian research in the department of ancient Indian history, that these observations are made. All honour to them who, undaunted by the difficulties besetting the study, plunge heart and soul into the dark channels of antiquity, and, with the feeble lights of forgotten chronicles and imperfect records, save from utter destruction the tales of the exploits of a nation's heroes, of their glories and their sufferings. What we mean to urge is that the task is both difficult and hazardous, and that it requires of the person who undertakes it powers of patient research, sound judgment, a love of truth and moderation, and a power of discrimination, such as fall to the lot of few. Lastly, owing chiefly to the influence of the great Budhistic revolution, and partly to the eruptions and settlement of Mahomedan conquerors, the traditions of pre-historic India throw but little light on the existing social and political condition of Indian society, and the prevalent modes of thought and policy. For the best purposes of history these antiquities may be said to have little instruction or living interest for us. While therefore this part of the history of our country is for want of reliable materials difficult of construction, and devoid of any political interest, there are other portions of it, which have all the freshness and warmth of life, and which fortunately can be rehabilitated from contemporary and reliable

chronicles, with which the country may veritably be said to abound. With the rise and progress of the Maratha power, bards and chroniclers of its glories and triumphs flourished, and foundations were laid for the birth of the first prose literature in the language. It is not flattering to our pride and patriotism that we have been content hithorto to receive the whole of the history of our mother country from foreigners, who freely availed themselves of these same native chroniclers, when, at all events as far as the modern portion of it is concerned, it was quite within our power to be independent of others, and to aspire to the dignity of national historians. Foreigners with the best intentions, more especially if they are representatives of a conquering race, can never do justice to the genius of our national history ; they can never hope to penetrate behind the nut-shell of recorded events, and produce a living and true history of the great Maratha struggle for religious and political freedom against Mahomedan oppression.

It is frequently urged in extenuation of this indifference to our history, that it is of yesterday's origin, that the chronicles of these comparatively recent times are neither philosophically nor elegantly written, and that they scarcely afford any instances of personal heroism and disinterested patriotism. While we admit the comparatively modern origin of Maratha history, and the inelegance of the prose chronicles which relate to it, we indignantly repudiate the suggestion that there is nothing great or glorious, no living and no moral interest, in the events recorded of our nation's successful struggle to throw off Mahomedan yoke, and re-establish national sovereignty. These large results were not achieved without great efforts. It is time that this petty spirit of national depreciation and undue exaltation of corresponding phases of Greek or Roman or European history, born of the wretched stuff which serves as histories in our schools, should make way for a more genial and sympathetic feeling. It has been our sad misfortune, but not by any

means peculiar to us, that the chroniclers of our annals were not gifted with great powers of description. The Greeks and the Romans, our ancient rivals in the sciences and arts of civilization, have preserved their history, and can boast of writers like Herodotus, Xenophon, Thucydides, Cicero, and Cæsar. By their side our want of historical writers seems unaccountable, nay, almost perverse. But hardly any of the other nations of the ancient world or even of the middle ages can claim superiority over us in this department of knowledge. For the encouragement of such of our countrymen as take heart only when they see others placed in a similar situation to themselves, and with whom precedents have much weight, we quote below what the historian Hume remarks about the annals and the annalists of the Saxon Heptarchy, and which also holds good of the historians and chroniclers of European nations generally during the middle ages. "They abound in names, but are extremely barren of events, or they are related so much without circumstances and causes that the most profound and eloquent writer must despair of rendering them either instructive or entertaining to the reader. The monks, who lived remote from public affairs, considered the civil transactions as subservient to the ecclesiastical, and were strongly affected with credulity, with love of wonder, and with a propensity to impos ture". Our chroniclers also were, if not monks, lay clerks who measured the importance of events by their own standard, and their writings bear the impress of the prejudices which the keeper of accounts, the gossiping news writer, and the habitual and credulous listener of the Purâns, brought to his task when he aspired to be a chronicler. The unsatisfactory nature of the materials available for their early annals has not prevented the European nations from applying themselves with vigour to the task of constructing their national histories, nor should, we think, the dry details

of our Marathi records. drive us away altogether from the study of our annals.

In some respects the Marathas enjoy special advantages, and labour under special dis-advantages, as compared with some of the other races of India in their efforts at constructing their history. None of the other nationalities of this vast empire has preserved its own histories with the exception of the Mahomedans and the Rajputs. In nothing was the superiority of the Mahomedans over the races they conquered more decidedly manifested than in the care with which they recorded the events of contemporary history in their original historical writings. The foreign historians of Mahomedan India have done full justice to their task. The original writings of the Mahomedan historians have been made accessible to European scholars through the labours of the late Sir H. M. Elliot, liberally supported as they have been by the India Office. It is true Sir H. M. Elliot's work, which is at once historical and bibliographical, is styled "History of India as told by its own historians," which is a very comprehensive title. But, if our knowledge of the work is quite up to date, we fear it confines itself exclusively to the Mahomedan historians and the Mahomedan period. No history of India can,however, be said to be complete which records simply the story of its conquest by the Mahomedans. The Mahomedan conquerors, whether Afgans, Persians,or Tartars, were in their turn conquered by the uprising of the more vigorous of the native races, the Jats, the Seiks, the Rajputs, and above all, the Marathas. It may be permitted to us to hope that the labours of the late Sir H. M. Elliot will under the same auspices be continued and extended so as to embrace the Rajput Rasas, Vilasas, Charitras, Prakashas, and the Maratha Bakhars and heroic lays.

As for the Rajputs, they may be content to receive their history at the hands of Colonel Todd, because Todd has written his annals as a native of the country

would have done. His sympathy for the subject of his memoirs is unbounded, and he does not indulge in ill-tempered remarks intended to depreciate the glory of his heroes. In fact his treatment of the subjects is philosophical, and far ahead of the times in which he wrote his famous books. The feeling which actuated the author of "the Annals and Antiquities of Rajasthan" was a genuine and sincere love of his subject, and he did not write his work to order, or to support any pre-established theory of his own. The Rajputs have no reason to complain of their historian. He writes as a Rajput patriot and bard. He has one measure of justice for the Rajputs, and another for their Mahomedan and Maratha conquerors. He will speak with praise of a miserable and unprovoked raid by a Rajput Chief, but has nothing but hard words to use when he has to describe perhaps a more excusable act of power on the part of other nationalities. This partiality to his pet race leads the historian to render less than justice to the other nationalities, and to none more so than to the Marathas. We may observe also *en passant*, that voluminous as Todd's work is, and sympathetically as it is written, it is far from being a complete history of the Rajputs. The old Rajput races carry their pedigree as far back as the sun and moon. This is of course mere poetical bombast, but certain it is that many of their princes greatly distinguished themselves in the very dawn of early history, and that their exploits find no place in the history of Rajasthan. We have recently discovered a Sanscrit historical poem, the Hamir Mahakavya of Naichandra Suri, which throws so much new light on Rajput history, that one may, with its help, add a whole chapter to Todd's Annals of the Chavan princes, the flower of the Agni Kulas, the bravest of the Rajputs, the ancestors of the gallant Hadas of Kotha and Boondee.

To return from this digression, we have next to

consider the character of the foreign writers of our own Maratha history. We cannot flatter ourselves that we have found any genuinely sympathizing foreign historian to put together our chronicles. Though we ought not to be insensible to the debt of gratitude we owe to Captain Grant Duff for the work which he has left behind as a monument of his great labours, we cannot conceal from ourselves the fact that he had no sympathy for his subject, such as distinguished Colonel Todd. His animus against the best representatives of the race was clear and unmistakable, and he had neither the talents, nor the imagination, necessary to produce a soul-stirring narrative. Moreover many years have elapsed since he wrote his remarkable book, and as during this interval new materials and new information have been made accessible to students of Indian History, and as our ideas of what a good history ought to be have so much extended, we ought not to rest satisfied with the history of the Marathas as we find it in his book.

Grant Duff's history is written much after the type of "Orme's history of Hindusthan." It is diffuse, but not comprehensive. Notwithstanding the abundance of original and valuable Maratha documents which he had at his command, he appears to have relied in many parts of his book upon the imperfect Persian accounts relating to the subjects he had in hand. He must have no doubt well weighed the relative credibility of the different accounts, as is clearly shown by his preference in some places for Maratha documents and authorities, but it appears he has not made the most of them. This is the more curious as "the persevering Captain of a Regiment of Bombay Native Infantry" was stationed in the very heart of the Maratha country, at Sattara, the capital of Shahu Maharaj, where he had access to all the records of the state. Perhaps some of the Persian accounts in his possession had been previously translated into English, and thus the author found them ready to hand. However this may

be, we find that the Persian accounts of the various Mahomedan princes and commanders, with whom the Maratha leaders came in contact, are drawn upon more largely in the relation of events than those of the Marathi chronicles of their rival Hindu chiefs. In many cases, he has accepted without reserve, and has not taken care to clear up the imputations upon our national character cast by Mahomedan partizan writers, and it is now high time our countrymen should discharge this pleasing duty to their people in a truthful spirit. The significance of the religious revival which ran parallel to the political efforts at emancipation, and the close intimacy which subsisted between the leaders of the two movements, are not even most distantly alluded to by this historian of the Marathas. With few exceptions, the characters of the Maratha heroes have not been well developed, in noted instances full justice is not rendered to them, and very few characterestic personal incidents and anecdotes have been preserved by him respecting them. Perhaps the author was afraid the English public would be wearied with them, and bewildered with the foreign names of individuals and places they referred to. This cannot be, however, an argument with the natives of the country for their continued neglect and suppression, as the names, so uncouth to a European, are familiar as household sounds to the native ear. And it is especially in this respect that the indigenous chronicles excel, and are likely to prove of the greatest value. Any one who has read Grant Duff's work as well as "Malcom's Central India" will be able at once to realize the force of the preceding remark. Besides this, our author, as observed above, did not take any notice of the literature and philosophy of our people, whether ancient or modern. Nor did he even so much as profess to go into the antiquities of the nation. It may be granted that very little was known at the time the book was written about the antiquities of Maharashtra, but then this should form one of the

arguments for a new and comprehensive history of our country written from a native, or rather a Maratha, point of view.

The chief object we have proposed to ourselves in the following pages is not so much to review Grant Duff's history, as to bring prominently before the reader, and engage his interest in the study of our Maratha chronicles or Bakhars, many of which are found in all parts of the country. With their help we hope to show that we have a long account to compare and settle with the foreign writers of our history. In the description of many important events of our national history, the chronicles differ materially from the accounts of the same events as they are related by Grant Duff, and this difference relates to points which affect the moral interest of the story, and in some instances vindicate the character of the great men, who well-nigh succeeded in establishing a national sovereignty over all India, from the aspersions of craft and violence freely levelled against them. This we mean to do by giving extracts, or rather translations of portions of the as yet unpublished Bakhars or chronicles. The chronicles themselves have been chosen for their trustworthiness, as being either the work of those who were living in the times of which they speak, or who were else well informed about the matters they relate. The extracts have not been chosen for any one peculiarity about them. It will be found that some of them contain matter which is at variance with what Grant Duff has written, while others supply his omissions, and explain satisfactorily what could not be well comprehended before. To weigh both the accounts, and strike the balance between them, would take up more space than could be conveniently allotted to it in this journal, and perhaps the task may be profitably left for some future opportunity. It will be sufficient if in the following observations we succeed in showing that the Maratha

writers have their own say on some points of their history, and that it deserves to be studied.

We propose to stop here for the present with this brief introduction, reserving for another issue the detailed examination of the correctness and fulness of the accounts of many events and characters in Grant Duff's Maratha history, by comparing and contrasting them with the descriptions contained of the same events in the most trustworthy chronicles.

We think, however, that the remarks made above point to the extreme desirability of a more systematic effort for the collection and publicatiou of these materials of the annals of our history than is possible to the unaided efforts of any single student. It is discreditable in the extreme that our best men, from Bal Shastri Jambekar down to Rao Saheb V. N. Mundlik, have contented themselves with dry translations of English narratives. Of late there are signs visible of a revival of national aspirations, and of a better appreciation of the conditions of such work, and one or, two of the Marathi magazines have undertaken with a laudable ambition to publish select portions of the Bakhars. We are anxious that these efforts should be supported on all sides. A society for the publication of these chronicles is a sad *desideratum*. A strong influential central Board at Poona or Bombay, with branches and corresponding members in all the large towns and the capitals of our great Princes and Jahagirdars, will accomplish within a few years this most necessary work with success. The edifice of Maratha supremacy has been destroyed, but as yet there are ruins and boulders which exist in-tact in the reigning sovereign and noble houses. The harvest is ready for the scythe of the husbandman, and we trust it shall not be laid to our charge that we did not reap it in time, and that we neglected our opportunities in wanton indifference.

OVER-POPULATION AND MARRIAGE CUSTOMS.

Sir Richard Temple enjoyed an easy triumph over the lieges of Dharwar about this time last year, when he brushed away their thoughtful recommendation in favour of a well-devised measure for checking the overgrowth of population, and preventing it from outstripping the slow development of its means of subsistence, with the optimist reply, that man was made to grow and multiply, and that the growth of population *per se*, without thought of time and place, was always a blessing, and never a curse. The ghost of the terrible mortality caused by the famine is, however, not likely to be exorcized and laid to rest by mere posings in Scripture phrases of blessings and rules of conduct, which, however pertinent they might have been in the times and places when and where they were first promulgated, cannot claim the same sacred sanction in this old decayed world of ours, where emigration is not in favour and is not properly encouraged, where the soil is being exhausted by pauper cultivation, where waste lands and forests are being absorbed under the stress of rack-rent and rigid settlements, till the denudation of the soil threatens to turn the country into a model desert, where the unfavourable balance of trade and home charges take away a large morsel out of the national savings, and where the interests of Manchester and Cheshire inflict upon the land all the evils, without most of the blessings, of a so-called free trade policy, by discouraging, instead of stimulating, the growth of independent manufactures in India. The rapid succession of devastating famines has no doubt been

providentially intended as a correcting influence to thin the population of this inconvenient overgrowth by one heavy blow, and in that respect these calamities may not be without their use. But it behoves all thoughtful statesmen, in view of this dread alternative, to consider whether preventive measures on a large scale may not be adopted in time so as to dispense with these drastic remedies. It is not safe to put off these inconvenient questions out of sight and mind any longer, more especially when it is ascertained that the millions who have fallen victims to the scourge of famine and disease, belonged not all of them to the disabled and non-labouring classes, but represented a great majority of the labouring and able bodied men and women, who, thanks to the bare subsistence policy, succumbed to their doom during the last two years. Providence always helps those who bestir themselves into activity, and we propose accordingly to examine betimes a few of the causes and conditions of this over-growth of population, chiefly in connection with the social institutions and religious traditions relating to marriage, which have from time out of mind swayed the intellect and belief of the population of this country.

In these days no-body will be prepared to dispute the position that the law and custom of marriage in any country are closely connected with the economical condition of the bulk of its population, and that the sacred commandment 'go ye and multiply' is not always a blessing to the human species. In the primitive state of mankind, when the land capable of supporting man was unlimited in extent, and was awaiting as it were the plough, and when population in every country was scanty and sparsely scattered, it was of the highest importance to man to multiply his species as fast as possible. Accordingly all the old holy sages and legislators of every country inculcated marriage as a sacred and indispensable duty, and the birth of sons, if not of daughters, was enjoined as an

indispensable condition of heavenly, if not of earthly, beatitude. When religion, with the armoury of all its terrible weapons, thus allied itself with the most powerful of our instincts, it is no wonder that the human species multiplied itself very rapidly, without producing any inconvenience for many ages. But the limit was at last reached. And now in all old countries, that is, in countries like India, where there is not any large extent of rich and culturable lands lying waste, the instinct of multiplication, strongly backed up as it is by religion and custom, is working nothing but pure evil. The custom of universal marriage is brutalizing and starving out millions of human beings. It is a source of fearful diseases and plagues, and of more fearful famines. When an institution, proper and right in itself, and highly commendable under certain circumstances, becomes a positive evil and curse, it becomes the duty of every rational being to strip it of its sacred and time-honoured vestments, and display it in all the horrors of its nakedness. This we proceed to do, and we hope to show that among the principal causes of the brutal ignorance and degraded poverty and pauperism of the people of India, must be reckoned the Hindu law and custom of marriage.

It is a fundamental principle of all religion, morality, and law, that every man is at liberty to gratify his instincts and desires in so far as he does no injury to another by their gratification. But when a man, though a mere pauper, is encouraged to marry, and to bring into existence children, whom he cannot properly feed, clothe, and educate, he is made to inflict great injury and misery on human beings, who have done him no harm. If a man buys a horse or a dog, which he cannot properly feed, and which consequently starves or dies, we severely condemn his conduct, and think him guilty of great inhumanity. But when he gets married, and gives birth to children who either have to beg or starve, we think nothing evil of the man, but look upon his wicked conduct,

as natural, or even meritorious. This is the result of the influence of religion and custom. The accepted Hindu religion and caste custom not only inculcate marriage as a sacred duty, but make it obligatory on all. Among the two hundred and forty million inhabitants of this country, how few men or women are there who remain unmarried long before they arrive at their age of puberty ? And what are the results of this universal and compulsory system of marriage ? Many millions of human beings are yearly brought into the world, without any provision whatsoever for their food and clothing, the bare necessaries on which life is dependent. The consequences of such thrift-less conduct are, that a large proportion of these die a premature and unnatural death, and those that survive live most wretched and miserable lives. Who then are responsible for these thousands upon thousands of premature deaths, deaths which are caused by the poverty of the parents, and for the miserable lives of these millions of helpless paupers ? Surely the blind people who believe that their religion inculcates marriage as a sacred duty. How many among the lower classes of the people of this country have the means to feed and to clothe their children in a decent way ? How many are able to give them even an elementary education ? Is it then the sacred duty of parents to bring forth children into the world, and let some of them die for want of proper food and clothing, and to allow the remainder to grow up in brutish ignorance ? In our humble opinion, it is a most heinous sin in the sight both of God and man. What right has any man or woman to inflict either an unnatural death, or a miserable existence, even on their own children ? These children are human beings, and as such have all the rights of man. The present practice on this head cannot even plead the excuse of a religious sanction. It is well known that the married "house holder's" condition of life is only one of the four Ashrams or divisions of human life, and that its limits,

as prescribed by the Shastra, confine it between the age of 20 and 45 years of a man's life, and that at both ends the single or celibate life is enjoined as a virtue and a duty upon all. The custom of the country and the law of caste have overleapt these bounds of religion at both ends, with the sad results noticed above. Influenced by these laws and usages, the people, unhappily for the most part, do not consider the consequences of their acts, and have thus been, and at present are, the unconscious agents of fearful misery, pauperism, and mortality, in this country. On this subject, the great English thinker and political economist, Mr. Mill observes:—"In a backward state of "society like that of Europe in the Middle Ages, "and many parts of Asia at present, population is "kept down by actual starvation. The starvation "does not take place in ordinary years, but in seasons "of scarcity, which in those states of society are much "more frequent, and more extreme than Europe is "now accustomed to. In these seasons actual want, "or the maladies consequent on it, carry off numbers "of the population, which, in a succession of favour-"able years, again expands to be again cruelly deci-"mated. In a more improved state, few, even "among the poorest of the people, are limited to "actual necessaries, and to a bare sufficiency of those; "and the increase is kept within bounds, not by ex-"cess of deaths, but by limitation of births." Again, "in all countries which have passed beyond a rather "early stage in the progress of agriculture, every in-"crease in the demand for food, occasioned by in-"creased population, will always, unless there is a "simultaneous improvement in production, diminish "the share which on a fair division would fall to each "individual. It is in vain to say, that all mouths, "which the increase of mankind calls into existence, "bring with them hands. The new mouths require as "much food as the old ones, and the hands do not "produce as much. If the population continued to

"increase at the same rate, a time would arrive when "no one would have a sufficiency of food, and the "further increase of population would be arrested by "deaths."

In the late famine we have with our own eyes seen many hundreds of children forsaken by their parents, and many thousands more reduced to fearful skeletons in the arms of their starving mothers. Whenever we inquired of the wife what had become of her noble lord, the progenitor of those skeleton children, the invariable answer was—'dead.' But the truth was, the man who had brought those miserable children into existence, and who was bound by all the laws of religion and morality to support and stand by them, had gone away in search of food, leaving them to shift for themselves as best they could, and beg their bread or die of starvation! If the multiplication of the population had not been encouraged and ensured by the supposed sanction of religion and caste opinion, and each man and woman had been left to exercise a prudential restraint on the instinct of propagation, there would not have been such helplessness and such fearful pauperism in this country, nor such devastating famines, occurring periodically with increasing frequency, to carry off all excess of population, which could no longer be supported. If no rational and moral considerations could teach man the sin and guilt of multiplying beyond the means of subsistence, this inflexible and stern law of nature, sweeping away the unendurable excess, ought to have long since taught him the wholesome lesson. But as Mr. Mill observes:—"all ex- "perience shows that the mass of mankind never "judge of moral questions for themselves, never see "anything to be right or wrong until they have been "frequently told it; and who tells them that they "have any duties in the matter in question, while "they keep within matrimonial limits? Who meets "with the smallest condemnation, or rather, who does

"not meet with sympathy and benevolence, for any "amount of evil which he may have brought upon "himself, and those dependent on him, by this spe- "cies of incontinence? While a man who is intempe- "rate in drink is discountenanced and despised by "all who profess to be moral people, it is one of the "chief grounds made use of in appeals to the bene- "volent, that the applicant has a large family, and "is unable to maintain them. Little improvement can "be expected in morality until the producing of large "families is regarded with the same feelings as "drunkenness or any other physical excess."

It is common in this country also for a man, who is absolutely without any means of supporting himself, to go about begging for subscriptions for his own or son's marriage expenses. And it is considered a religious and meritorious act to assist the pauper to get married! We have seen hundreds of beggars, often blind, lame, and dumb,—asking alms from door to door with their wives and young children,—innocent beings, born of sinful wedlock, and doomed to a life of wretchedness and misery, for no fault of theirs! Verily the force of ignorance and blindness can no further go.

The remedies for such a state of things are not far to seek. The enactment of a law to restrain early and improvident marriages, the formation of a public opinion, discountenancing and condemning such marriages, the diffusion of education among the labouring classes, by means of which they themselves will come to perecive that they are really injuring their own condition by augmenting their numbers, and which will make them dissatisfied with a low and wretched standard of living, and lastly, a scheme of colonization, organized and supported by the state, to take off all the surplus population, all these, and any one of them, will check over-population, and its con-comitant evils, and tend to elevate this country, in which pauperism and ignorance are so generally prevalent.

In many countries of Europe, such as Norway and Switzerland, great forethought and prudence are exercised in the matter of marriage by the lower classes of people. The cultivator or labourer there is not easily induced to marry. He sees that if he were to get married, the bread he earns, and the whole of which he now enjoys, would have to be divided between many mouths, and so his condition would be worse, even were his wife to earn something by her own labour. The poorer people there are never in a hurry to marry, and do not do so till they have acquired the means to support a family in a tolerably comfortable state. The consequence is, their standard of living is far superior to that of the Indian ryot or labourer. Their comfortable cottages, their clothing, their food, and the comforts they enjoy have no parallel among the corresponding, or even superior, classes of people in this country. Our Indian ryot, or day-labourer, with his wretched hovel, his fare of coarse bread and water, and in bad years, of wild herbs and grass-seeds,—which a philosophical government and its *hakims* declare to be highly nutritious food,—and the total absence of anything approaching the name of comfort, has not his representative in any civilized country of the world.

In some countries the state provides the restraint which ought to be voluntarily imposed by each member of society on himself. There men are not allowed to marry till they are advanced in age, and even then not unless they can show that they have the means of supporting themselves, and their wife and children in a state of comfort. It is not only the interest of each separate individual, but of the whole state, to see that every member of it has the means of a comfortable living, and of acquiring a decent education. The law, in question, has been found, where it prevails, to be productive of very beneficial results. In a country like India, where the rulers belong to a race and religion very different from those of the governed, it is

quite unreasonable to expect the foreign rulers to legislate at once on such a delicate subject as marriage, in opposition to the prevailing custom and prejudices of the natives, however anxious they may be to improve their condition. The duty and responsibility in the matter lies, therefore, entirely on the shoulders of the natives themselves. It is for the educated and reflective among them to remove the ignorance and false notions prevalent on the subject by public discussions, and, by the formation of an enlightened public opinion to pave the way for, and to aid the rulers in, any future legislative action on the subject.

N. B.—As the subject discussed in the foregoing contribution is very important in its nature and demands the most serious consideration at the hands of every one who has the welfare of this country at his heart, we invite free discussion on the original suggestions so ably and lucidly set forth therein.

By the Editor.

CURRENT LITERATURE.

"HINTS for bettering the prospects of Indian youth" is a small pamphlet published anonymously by its author, who advocates a plan of sending out a few Indian families to be domiciled and naturalized permanently in the great countries of Europe and America by means of a national subscription. The author hopes that these settlers will, in a generation or two, under the influence of free institutions, rise to positions of celebrity in their adopted homes, and, by the radiation of their influence back upon India, ultimately lead to the regeneration of this country. All that we can say of the suggestion is that, if not visionary, it is too good, and too much in advance for our present needs and capacities. China and Japan have carried out systematically for the last twenty years a more practical plan of operations to secure a training for their best youth in Europe and America. Their national governments took the lead in the matter. In India the institution of state scholarships about 12 years ago held out an assurance of similar support, but this support was quickly withdrawn. We do not think that the few naturalized Indians will, under the plan proposed by the author, succeed in pushing themselves to the front in political and commercial activity. European civilization and religion are a vast deal too aggressive to permit of any such hopes. The money which the author hopes to raise will, we think, be more usefully employed in imitating on a small scale the Chinese, or much better, the Japanese plan. It is at the same time a striking commentary upon our present situation that the author, who is known to be himself a travelled man, and belongs to a once dominant race and a dominant religion, feels himself out of place and time in the social and political arrangements of the country, and is hopeless of

seeing any real advance in agricultural or manufacturing enterprise and activity, while the present fiscal policy continues.

"Reflections on the various forms of marriages" is the title of another pamphlet anonymously published by the author of the 'Hints.' This is a more ambitious work, but we cannot congratulate the author upon the success of his delineation of the various systems of marriage. The treatment of such a subject should be historical. Capture, sale, betrothal by parents, and lastly, love connections, these have been the historical stages through which the marriage institution has passed, and here in India there are traces of all these forms more or less prevalent and recognized in the eight kinds of union. The author has, however, effectively demonstrated the unsuitability of early patriarchial notions about the obligation of early marriage and the duty of breeding children to the circumstances of an old and decaying country like modern India. The necessity of restraint, and of preventive prudential restraint, is enforced as a duty by the circumstances of the times, more especially as the penalty of disobedience is the dread alternative of destruction by war and famine. In the end the author makes an appeal in a few suggestive sentences to the effect that the subject of retarding procreation is one well worth the serious attention of all students of the social problem, notwithstanding the ill odium which surrounds such advocacy. We congratulate the author upon his independence, but we fear he cannot expect to find any hearing for his views in India for many generations yet to come.

"The Baroda Administration Report for 1876-77" is, as might be expected from the able hands to which its drafting was entrusted, a very able production, and affords a very satisfactory evidence of progress in the organization and working of all the departments. His Excellency the Diwan's minute or *resume* of the details of his second year's administration throws a

flood of light upon the workings of the state machine. Its very diffuseness and tendency to moralize, though they take away to some extent the interest arising from the sober gravity and business-like character of the Report, yet contribute greatly to the instructive usefulness of the suggestions intended to guide and educate the boy-ruler in the mystery of state policy. We note for instance the suggestion that in future the minister or Diwan should always be a native statesman acquainted with the English language, and able to master the facts of political administration on some pretence of equality with the English residents and rulers of the land, as one which is fraught with the permanent well-being and security of the state. We wish that the voice of warning raised against native Princes interesting themselves in private trade or business will find a willing ear at Baroda ten years hence. The genuine appreciation shown in the report of a spirit of intolerance of wrong and injustice among the people, as affording the surest guarantee of good government, is also a lesson in state-craft which all Native Princes should lay to heart. We are glad to hear that the Sirdars' and Soucars' grievances are at an end. As these classes were the chief mal-contents, it would have been more satisfactory if the details of the settlements had been published. We hope, however, that His Excellency the Divan will adopt wise measures to save these classes from the doom which threatens all who have no duties to perform, and yet enjoy considerable honours and emoluments. Political and social spheres of responsible and limited activity should be found for these people, even at the risk of impairing the mechanical efficiency of the administration which is secured by the almost exclusive and free admission of foreigners. The institution of the Sirdars' court might, for instance, be utilized in this way. Instead of appointing a single paid judge to preside over it, all disputes between Sirdars might be referred to a Panch of fellow

Sirdars, whose verdict should be given effect to by the Judge. The scions of these families might also be advantageously trained for employment in military commands of the Regular Infantry regiments, in place of the foreign officers who now decorate and burden the Darbar with their presence. The continued retention of criminal powers in the hands of the Soobhas is an anomaly, which should not be tolerated, because the powers are seldom exercised. Next to the appointment of a competent minister at the head of affairs, the separation and distribution of judicial and revenue or executive functions is the most important reform that native administrations stand in urgent need of. The Baroda administration might also, in its civil and criminal administration, well try what success could be achieved by the association of the people in the discharge of judicial functions, either by means of the revival of ancient Panches, or modern Juries. The great lesson to be taught, and which can be only successfully taught in native states, is to educate the people to be self-supporting, and thus prevent the chances of an ill-conditioned ruler working any serious mischief. In this same connection, the old system of enforcing night Police duties on the villagers by turns ought to be revived. The suggestion as regards a free exchange of offenders under the extradition laws is well worth the consideration of the British authorities. We may remark by the way that nobody outside Baroda approves of the Diwan's preference to lock up nearly a crore of Rupees in government paper unproductively. These balances should be utilized in fostering an extensive system of Public Works within the territory. As yet much progress does not seem to have been made in this direction. The protest urged by the Diwan against all encroachment by the state upon the trade and commerce of the country is certainly well founded, and we wish other states than Baroda will profit by it. At the same time, mere increase of revenue as such, or the accumulation of large

balances, have their own temptations for young rulers, and the Diwan should take early steps to reduce the revenue demand, and to make it a permanent one so as to destroy the germs of much abuse in the future. The success of the Baroda administration under purely native agency is a great experiment, and upon its success depends the solution of many great problems of the future, among others,—the extension of cheap and native agency in British India. We are glad to note that His Excellency the Diwan and his able co-adjutors are fully alive to a just sense of their responsibilities in this connection.

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QUARTERLY JOURNAL

OF THE

Poona Sarvajanik Sabha.

I.] [No. 3

JANUARY 1879.

UNDER THE AUTHORITY OF THE MANAGING COMMITTEE.

EDITED BY

S. H. CHIPLONKAR.

POONA:
PUBLISHED AT THE "DNYAN PRAKASH" PRESS.

Price Rs. 1-8-0

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S. H. CHIPLONKAR,
Editor and Manager,
Poona Sarvajanik Sabha Quarterly Journal.

PROCEEDINGS OF THE SABHA.

A LETTER TO THE GOVERNMENT OF BOMBAY REVIEWING THE REPORT OF THE DECCAN RIOTS COMMISSIONERS.

No. 160 of 1877.

Sarvajanik Sabha Rooms,
Nagarker's Wada, near Vishrambag,
Poona, 14*th April* 1877.

To,

The Chief Secretary to Government.
Bombay.

Sir,

I have been directed by the Managing Committe of the Poona Sarvajanik Sabha to acknowledge with thanks the receipt of a copy of the Deccan Riots Commissioners' Report with its appendices which you were pleased to send in accordance with the request contained in my letter of the 23rd of January 1877.

2. During the last 4 years the Poona Sarvajanik Sabha has devo- most anxious thoughts to the consideration of the condition of icultural classes in this Presidency. In December 1872 a Sub- ittee was appointed to receive evidence and submit a report upon tent of the fall of prices and the weight of the enhanced assess- s, and the consequent indebtedness and poverty of the Ryots- he Sub-Committee's report was published for general circulation the middle of 1873, and though at the time very strenuous efforts were made to question the correctness of the conclusions contained in the eport of the Sub-Committee, yet the subsequent break-down of the new ssessments and the continued fall of prices which led in time to the riots d to the appointment of the Commission, worked a change in the views the authorities. At last in October 1874, the Government issued its solution No. 5739 which recognised the fact of a permanent fall in eneral prices, and the oppressive character of the enhanced assess- nts, which were subsequently reduced to a partial extent. In June 75, when the riots had broken out, the Sabha submitted a memorial on the character and extent of the disturbances, and prayed that a mixed Commission should be appointed to inquire into the origin of the riots, and to suggest remedies. The Government were pleased in anti- ipation to appoint a mixed Commission of its most competent Revenue and Judicial officers, whose report with the appendices contains a full and connected view of the past history and present condition of the

agricultural classes in this Presidency for the last 50 years. It affords sincere satisfaction to the Sabha to find, that although the Deccan Riots Commissioners occupied a different stand-point, and had the benefit of the light of subsequent events, there is a complete accord on most points between their report and the recorded views of the Sabha as regards the physical, social, economical, and political or fiscal causes which have brought about the present crisis, and the chief remedial measures which must be introduced to better the condition of the Ryots.

2. It is not within the power or competence of Government to effect any change of a permanent character in the physical or social or economical conditions of the country. They do not admit of being remedied by any external agencies, at least not in such a short time as the urgency of the case demands. A long time must elapse, and the people must exert themselves to secure the benefit of the humanizing and elevating influences at work before any change for the better can be effected so as to counteract the evils caused by the poverty of the soil and the scanty and uncertain rains, the ignorance, improvidence, and the conservatism of the peasantry, or the diminished importation of foreign capital or the unfavourable condition of Indian trade. These objections do not hold good with regard to the political or fiscal causes. The people are utterly helpless in the matter, and the Government is directly responsible for the continued action of the rigidity of [illegible]e-venue system, the intolerable weight of the enhanced assessment [illegible], embarassing effects of the limitation, stamps, and other revenue [illegible], and the action of the Civil Courts; all of which agencies have [illegible]ve opinion of the Commissioners seriously aggravated and precipit[illegible]ed the present crisis. The Government has already "expressed its opinion that some measures are necessary to limit the power over the ryot which the laws for recovery of debt on the one hand and the occasional necessity of the ryot to incur debt on the other gives the sowcar," and the Civil Procedure Code passed by the Supreme Council, contains many provisions intended to remedy this evil. No similar promise is held out in regard to the necessity of a change in the fiscal policy of Government which, in the humble opinion of the Sabha, is more directly than any other single cause responsible for the present condition of things. In the observations which follow I shall therefore confine myself to the consideration of the grave defects pointed out by the Commissioners in the practice and theory of the Revenue Administration, more especially in regard to the work done and the principles and rules followed by the Survey and Settlement Department. A majority of the Commissioners agree in holding this department as principally and immediately responsible for the present unsatisfactory state of things in the Deccan, and even the minority, who differ from them, admit that its action has aggravated and precipitated the crisis. As this agency

has been so potent in its mischievous effects, and as the remedial measures so urgently called for lie entirely within the competence of the powers entrusted to the Local Government, which has moreover since the resolution of October 1874 admitted the necessity of immediate action, I humbly trust that the following representation, based upon the facts and conclusions laid down in the Commissioners' report will not fail to secure favourable consideration at the hands of His Excellency the Governor in Council.

3. The report with its appendices contains a thorough exposition of the positive and negative defects, the faults of omission and commission, which have vitiated the work done by the Survey and Settlement Department during the last 10 years in connection with the revision operations. These defects and faults may be enumerated in the following order.

1. The enhanced assessments are not based upon any principle such as that which obtains in the North Western Provinces, but are made at hap-hazard according to the discretion of the Survey officer.

2. The enhanced assessments have been excessive *i. e.* out of all proportion to any rise of rents or of the letting value of lands, and greater than it was desirable or intended that they should be. This excess has destroyed or impaired private property in land.

3. The enhanced assessments were too suddenly raised without any regard to the capacity of the Ryots to adapt their expenditure accordingly.

4. The enhanced assessments have been in their reductions and additions equally mistaken. There have been clear cases of under and over valuation where the mistakes were so gross and so general as to show that the system was itself defective.

5. The enhancements were unforeseen, uncertain and capriciously unequal, comparing one Taluka with another, or one village with another, or one land with another.

6. The enhancements were based on the assumption that the high prices would be maintained when as a matter of fact a permanent fall of prices has set in.

7. The principle on which the Survey officers justify the enhancements of the assessment in proportion to the rise of prices is a wrong principle, because from the lack of competition and the force of custom rents do not rise in proportion to the rise of prices.

8. The principle of enhancement is also at fault by reason of the fact that the ratio of the rise in prices is no criterion for enhancing the rates on lands which were not under continuous cultivation for the previous 30 years, but were taken up during the 7 years under the stimulus of high prices.

9. The Survey officers only look at the average Taluka enhan

ment, which average is not a safe measure for the enhanced assessment of individual numbers. As the unit of the Ryotwar system the history of each individual number, its letting value, and the term of years during which it was or was not under cultivation, ought to be enquired into. The Survey Department is at fault in not making this inquiry.

10. Assessments have been enhanced to an extreme extent even where the extension or encroachment of area was hardly perceptible.

11. The work of classification gives information only as to the relative values of lands and not their absolute values. There is no guarantee against error, if it is general, and overvalues or undervalues all lands.

12. The scale of classification does not allow a sufficiently wide interval between the rates of the worst soils and the rich soils. It does not allow sufficiently low rates for the worst soils.

13. The enhancements have in many cases pressed more heavily on doubtful and inferior soils than on soils which were under continuous cultivation.

14. The Survey officers have adopted as a basis of comparison the period of the first decade of the old lease on which it was not safe to rely, as the period was one of fluctuating cultivation and large annual remissions. The results based on such a period could only revive the old state of things.

15. The Survey officers, in fixing the average rise of prices, adopt very insufficient and arbitrary periods.

16. In basing the enhancements upon the rise of prices, the Survey officers make no allowance for the change in the standard of comfort.

17. The Survey officers are guided too much by arithmetical results, which are rigidly applied without sufficient regard to their effects on the economic condition of the people.

18. Absolute and not relative increase of population has been accepted by the Survey officers as a sign of prosperity. Absolute increase of population, unaccompanied with a proportionate increase of cattle, and ploughs, and horses, should have been regarded as a source of danger. The Survey Department was in error in losing sight of this fact.

19. It was further in error in taking no note of the fact that the increased population had no resource of waste lands to fall back upon as they had 30 years ago. Increase of numbers in a population wholly agricultural, where all the waste land has been taken up, should have enforced moderation in the enhancements.

20. The present Survey officers do not, like their predecessors, consult the people in regard to the fairness of the assessment, and

they do not act in concert with the views of the District Revenue officers.

21. The Survey officers make too much of the alleged errors in the old classification. Even if there were errors, these errors were committed by Government, and after 30 years prescription it is neither just nor expedient to disturb the relative values of lands, and thereby to confiscate the more favoured lands.

22. Though the law expressly protects the interests of the Ryot by directing that in enhancing the assessment the improvements caused by the expenditure of the Ryot's capital and labour should not be taken into account, yet, as a matter of fact, the Survey officers do not observe this rule, and tax all improvements by raising the classification scale of lands so improved.

4. It may be necessary to refer here briefly to the evidence on which these charges against the Survey Department are based.

The absence of a fixed principle in the assessment of lands is a fact admitted by the Department itself, and His Excellency the Governor in Council in laying down the limitations within which assessments might be raised on revision, has confirmed the truth of this charge brought against the Department by a majority of the Commissioners.

As regards the second point all the Commissioners are unanimous in condemning the recent enhancements as excessive. The Sub-Committe's report published in 1873 was the first to draw public attention to the complaint about the excessive character of the revised assessments. The same condemnation was pronounced by the Government when it ordered reductions to be made by its resolution of 27th October 1874. That resolution was the result of the late lamented Mr. Havelock's persistent protest against the policy of excessive enhancements. Mr. Pedder has expressed a similar opinion on this point. Of the other Revenue officers whose opinions are given in the Appendices to the Report, Mr. Boswell of Nagar, Mr. Norman and Mr. Macpherson of Poona, Mr. Davidson of Sholapoor, Mr. Elliot of Nasik, all directly or indirectly to a greater or less extent admit the revised assessments to be excessive, and to have greatly aggravated the distress of the Ryots.

With regard to the 3rd point the opinion of three of the Commissioners is confirmed by the recorded views of Mr. Pedder and Mr. Havelock on the subject, and the remarks contained in Mr. Boswell's report deprecating the introduction of the re-assessments in the Nagar District.

As regards the 4th and 5th points the numerous errors of undue additions and reductions pointed out in Mr. Colvin's minute, and in the notes recorded by Mr. Lyon and Mr. Carpenter confirm the charge which Mr. Havelock had brought against the working of the Depart-

ment, and which he supported with such laborious collections of figures two years ago.

As regards the 6th point the total absence of all power in the Settlement officers of foreseeing the course of prices is established by the resolution passed by Government in October 1874. Before that resolution was passed, the Survey Department steadily ignored the fact of the fall of prices, which struck every body else who did not belong to the Department as the most note-worthy sign of the times. In 1873 the Report of the Sub-Committee of the Sabha dwelt strongly on this point, and enforced it on public attention. The conclusions of the Sub-Committee's report agreed with the burthen of the Administration Reports of the Revenue Officers of all grades, who complained that prices began to fall from 1871, and that in consequence the cultivation area in all the Districts was decreasing year by year, and the Revenue collections were made with increasing difficulty. I refer more particularly to the Reports of Mr. Boswell of Nagar, Mr. Grant and Mr. Davidson of Sholapoor, Mr. Moore and Mr. Vidal of Satara, Mr. Ramsay and Mr. Pollen of Khandeish, Mr. Elliot and Mr. Jopp of Nasik, Mr. Sheppard of Kaira, and the Collector of Surat. The reports of the Revenue Commissioners of both the Northern and Southern divisions were full of the same complaint for years together. Nothwithstanding this unanimity of the official and non-official opinion the Survey Commissioner's reports for 1871/72/73/74 in regard to the resettled districts always recommended large increases on the ground that prices had risen enormously, and were effected to continue high during currency of the new leases. These recommendations did not cease till the Government issued its resolution of October 1874, which recognised the fact of a permanent fall of prices as a justification for reducing the enhanced assessments.

With regard to the points noted in the margin the defects and errors of principles referred to in them are matters which demand careful inquiry. The opinions of Mr. Colvin and Mr. Carpenter are entitled to great weight. The present practice, followed by the Department, has grown up in the course of years without any systematic attempt to justify it by a reference to any scientific practical principles. The Sub-Committee's report adverted to some of the defects noted in points 7, 9, 12, 13, 15, and Mr. Havelock, in the observations he made upon the reports of the Settlement Officers, insisted upon the necessity of reconsidering and fixing the principles which should guide future assessments and revision operations. Now that the work of the last 10 years has proved disastrous in its results, the time has, in the opinion of the Sabha, arrived for appointing a Commission of Inquiry to revise the joint rules.

7, 8, 9, 10, 11, 12, 13, 14, 15, & 16.

As regards these points the remarks made above under point 6 regarding the incompetence and short-sightedness of view displayed by the Settlement officers, hold good with

17, 18, 19 & 20.

still greater force. The course of prices is always a very complex problem, and there may be some excuse for the Department in not foreseeing the fall which took place. The same excuse cannot be urged in regard to the points now under notice. In reference to them all the settlement reports run in the same cue, dwelling chiefly upon figures indicative of arithmetical prosperity without any grasp or prevision of their economical bearings. Absolute and not relative increase of population was regarded as a sign of prosperity, and factitious sales and mortgages were quoted with a strange faith in their truth and representative character. No thought was paid to the fact that there was no resource left in the shape of waste lands, that the number of agricultural cattle had actually diminished in 30 years, that non-agricultural industries had ceased to flourish, that the middle classes had been washed away, that agricultural wages had not risen, and that even where irrigation works were opened, the people did not avail themselves of the help of water. This utter incapacity to grasp the true signs of national prosperity was aggravated by the fact noted in point 20, that no attempt was made to consult the wishes of the people or of the District Revenue officers. It is true the Settlement reports are submitted through the Revenue officers to Government, but as no Revenue officer is allowed to interfere with the recommendations made by the Settlement officers, the submission of these reports has become a mere matter of form. As there were no rules laid down to regulate the discretion of the Departmental officers, there was no way to check the recommendations, except when conscientious men like Mr. Havelock tried with great labour to master the details. The Government in its letter No. 39 dated 17th December 1874 sent to the Secretary of State has remarked unfavourably upon this self-sufficient character of the Department, and it is hoped that as one of the results of this Commission some scheme may be devised to secure a free interchange of opinion and consultation between the Survey and the Revenue officers and the people in the early stages of the Settlement operations.

21 & 22. As regards these points the Sub-Committee's report has dwelt at some length upon the faults and defects noted therein, and Mr. Shumbhoo Prasad's suggestion in his separate minute deserves serious consideration. Mr. Havelock also in the course of his observations has insisted upon the necessity of caution in hastily condemning the work done by the first generation of the Survey officers. As a matter of fact the errors disclosed in the work done since the promulgation of the joint rules are too inconsiderable to necessitate the work of re-survey and re-classification. The Government resolution of October 1874 admits this fact, and under these circumstances it becomes a question of serious public importance to ascertain whether any real necessity exists for keeping up a costly Department to do over again the work done so well before. This process of re-survey and re-classifi-

cation involves, besides the needless cost great injustice, for it has been found by experience that the work now done is liable to the same objections as the work of the first Survey. Moreover, in reclassifying lands the Survey officers make no allowance, and in the absence of a fixed rule they cannot make any allowance for the improved cultivation of lands. The resolution passed by Government disallowing the proposal to tax wells, made by the Settlement officers, serves as an illustration of this tendency. It is impossible in many cases to distinguish between an increase in the value of lands due to general causes, and an increase in the value brought on by the labour and capital of the Ryots. It is necessary, therefore, that new rules should be framed by which this distinction would be recognised and the present practice changed, and the needless expense of keeping up a costly Department saved to the State.

5. I have thus briefly stated the evidence upon which the allegations of faults and defects in the working of the Settlement Department are based. These errors of omission and commission were first charged against the Department by the Sub-Committee of the Sabha in 1873, and they have now been officially confirmed by the Report of the Commissoners. I submit that no department, whose principles and working are obnoxious to so many unfavourable charges, can be safely allowed to continue its work as at present. It is due to the Department itself as well as to the Commissioners, that these matters should be inquired into. I submit accordingly that Government will be pleased to nominate a Commission of Inquiry which should consist of men belonging to the Department and to the Revenue Service, with one or more non-official representatives with power to receive evidence and inquire into all the allegations noticed above, and frame a new set of rules in accordance with the suggestions contained in the Report of the Commissioners in place of the old "joint rules" for the guidance of the Settlement officers, and I further pray that till such inquiry takes place, and the new set of rules are framed the revision work of the Department should be kept in abeyance.

6. The present time is peculiarly suited for undertaking such an inquiry. The distress caused by the famine will render it highly inexpedient to continue the revision operations in the affected districts without laying down limitations, such as those proposed by Mr. Pedder, which agree in the main with the suggestions contained in the Sub-Committee's report of the Sabha, by which the enhancements based on a rise of general prices at each periodical revision would be limited to the moderate figure of 25 percent spread equally over all classes of lands. If this suggestion had found favour with Government, the distress of the last 6 years would have been obviated, and the famine itself deprived of half its horrors. The new revisions have, as might have been anticipated, not brought any additional revenue to Government. The

diminished cultivation and the large outstandings and remissions have swallowed up more than the excess of the enhanced assessments, and the cost of the Department engaged in these useless operations has been a dead loss. Under these circumstances, I submit, a case has been made out for granting the Commission of Inquiry prayed for, and for the eventual reconstruction of the Department upon a sounder and more economical basis. Greater economy in the Department will be secured by largely introducing into the higher grades Native agency, which at present is altogether excluded from any but the most subordinate posts.

7. Nearly 17 years ago the Inam Commission Department was abolished for faults and defects of a less extensive and disastrous character than those which have been now officially brought home to the Settlement Department. I pray accordingly that His Excellency the Governor in Council will take up the question pressed upon its attention in the observations made above in the same spirit of provident concern and impartial severity which influenced Lord Elphinstone's Government in abolishing the Inam Commission Department, and thereby permanently secure the welfare of the agricultural classes who constitute the main-stay of the prosperity of the country.

8. As long as property in land continues to be so entirely at the disposal of the capricious discretion of the Survey Officers, no permanent improvement can take place in the agricultural economy of the country. Periodical resettlements, under such conditions, discourage the investement of capital in land, and nothing but a permanent settlement of the State demand will restore confidence and secure national advancement. The apprehended loss of government revenue will be avoided, if the permanent rates be revised after each period of 30 years so as to raise them by a fixed percentage all round within a limit of 25 per cent, if such an enhancement be justified by a permanent rise in prices exceeding 50 per cent. Nearly the whole of this Presidency can legitimately claim the extension of the benefit of the permanent settlement promised in the despatches of 1862 and 1865. The waste lands have been taken up, no large irrigation or railway works are possible, and the State demand absorbs—in all but the best soils, more than 80 per cent of the rental and profits of lands. Under these circumstances I beg to submit that His Excellency the Governor in Council will be pleased in appointing the Committee of Inquiry prayed for above, to refer to it for consideration the advisability of extending to this Presidency the benefits of a permanent settlement of the land revenue under the terms of the despatches above mentioned.

I have the honor to be &c.,

SADASIVE BALLAL GOUNDYE,

Hony. Secretary Poona Sarvajanik Sabha.

A LETTER TO THE GOVERNMENT OF INDIA ON THE BILL TO AMEND THE EXISTING STAMP ACT.

No. 408 of 1878.

Sarvajanik Sabha Rooms.
Nagarker's Wada near Vishrambag.
Poona 1st November 1878.

To,

The Secretary to the Legislative Department
of the Government of India.
Simla.

Sir,

I have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit the following observations upon Bill No. II of 1878 which was introduced into the Legislation Council by the Honourable Mr. Cockerell on the 5th of September last, and to request that you will submit them to His Excellency the Viceroy in Council for his most favourable consideration.

The present measure was first introduced into the Legislative Council as Bill No. 16 of 1877 on the 10th of October 1877, when it was refered to a Select Committee of the Council. In the Select Committee so appointed the original principle on which Bill No. 17 was founded was entirely abandoned, and the present Bill is so radically a new measure that it has been found necessary to number it separately. The Sabha is of opinion that under these circumstances the Select Committee appointed in respect of the old Bill have no power under the rules of Council to report on such a Bill without its being specially referred to them.

2. This is, however, a formal defect to which the Sabha does not attach much importance except in the interest of a full and mature consideration of the measure. From the speech made by the Honourable Mover of the Bill on the 5th of September it appears that the Government have for the present to some extent abandoned its original intention of securing the acquisition of a moderate revenue from stamp duties which was declared to be one of its principal objects in introducing the measure in the statement of objects and reasons appended to the first Bill. The Honourable Mr. Cockerell, however, still expects that the bill, if passed in its altered form, would secure an additional revenue of about 12 or 13 lacs of Rs. instead of the 27 or 28 lacs originally anticipated. The Sabha submits that in any contemplated reform of the stamp laws the idea of increasing the revenue should not be al-

lowed to influence the Government. The revenue derived from stamp laws and court fees already represents a very considerable burden upon the agricultural population of the country, and the present time is especially unsuited for any increase in this form of taxation. The Deccan Riots Commissioners' report shows that under the operation of the law prescribing three years limition for suits on bond and the stamp and the registration laws at present in force, the demands of revenue add about a quarter of million sterling to the embarassment of the indebted classes of this Presidency, and now that these burdens have been increased by the enhanced assessments, the new Licence Tax, and the additional salt duty, the Sabha submits that there is no justification left for seeking additional revenue by the enhancement of stamp duties.

3. In this view the Sabha respectfully submits that the principles which seem to have guided the Government in framing Schedule No. 1 appended to the New Bill are open to many and serious objections. The Schedule appended to Act 18 of 1869 seems to have been framed with a view that the pressure of the stamp duties should be proportionately light on small transactions and heavy on larger ones. This is a sound principle and one which is recommended by all considerations of policy and justice. The new schedule in its most important provisions clearly violates this principle. The scale of duties increases the burden upon small transactions and lightens it upon those for larger amounts. The minimum of duty on bonds under the existing law was 2 as upto 25 Rs. The minimum has been reduced in the new bill upto 10 Rs. In the case of promisory notes also the minimum duty of 1 anna has been raised for sums below 100 to twice the amount levied under the existing law. The same departure from the old law is observable in the enhancement of duty on lease, mortgage deeds, release transfers, settlement awards. Among the poor agricultural population of this Presidency the transactions are always for small amounts ranging from 10 to 25 Rs. The proposed enhancement of duty will, therefore, instead of bettering make worse the condition of the agriculturists for whom special legislation of a protective character is now contemplated. The benefits which such protection will confer will be neutralized by this enhancement of duties on small transactions. The differential scale of duties proposed in regard to transfers, surrender of lease, power of attorney and the absolute decrees of the duties on instruments of exchange, partition, gifts declaration of uses or trusts, charter-parties, memorandum of association of companies protest, notorial act, power of attorney and other merchantile documents of the same kind suggest an equally important departure from the existing law. In the case of partition and exchange the reform proposed by the Bill will effect a much desirable change by the substitution of an advalorem for a fixed duty but the decrease in the other merchantile instruments, though desirable in itself, is liable to objection, because it is accom-

passed as above stated with an enhancement of duties on instruments of small amounts of the agricultural classes. The merchantile transactions on which it is proposed to reduce the scale of duties are generally for large amounts and are conducted with a view to protect the rich intelligent traders and capitalists. If the present scale of duties is felt to be oppressive in their case, the pressure is still more felt by the agriculturists who have the first claim for a reduction of burdens. It is greatly to be feared that this increase of the burden of duties on merchantile instruments, opposed as it is to the first principles of equal taxation and wise policy, will result in a financial loss to the state brought on by the increased embarassments of the agricultural population. If in view of the impending war and famine calamities the Government finds necessary to be in possession of increased resources, the Sabha submits that it would be more just and profitable to leave all small transactions untouched and increase the scale of duties on large transactions and on merchantile instruments.

4. In this connection the Sabha requests special attention to the proposed enhancement of the duty on awards (Section 9 Schedule 1). When the first Bill was first brought before the Council, a deputation from this city was sent all the way to Calcutta with a memorial (a copy of which is sent herewith) representing the injustice and impolicy of any change in the existing law in this respect. The deputation waited upon the Mover of this Bill and all other members of the Council, who promised a careful reconsideration of the section objected to. Similar memorials were sent from 9 other towns Ratnagiri, Kaladgi, Gohager, Supa, Tembhurnee, Indapoor, Tasgaum, Nassik representing the population of five large districts of this Presidency. It is much to be regretted that notwithstanding all these representations the schedule in the new Bill, approved by the Committee, retains the objectionable enhancement and no explanation is given in the Committee's Report justifying the course. The embarassment of the agricultural classes in this presidency and the traditions of native rule, have favoured the formation of private arbitration courts in many parts of this Presidency; small disputes are referred to these for decision by both the creditor and debtor classes, and their decisions or awards are subsequently registered in the courts. It is on all hands agreed that a compulsory resort to the Civil Courts in petty disputes for small amounts where the claim is generally admitted by the Defendents, is an unmitigated evil, and recourse to the old Panchayet system has been recommended by the highest authorities. The movement on the part of the people has been entirely spontaneous and is of a kind which deserves every encouragement from the Government. The East India Association in London brought this subject to the notice of the Secretary of State in Council in connection with a proposal made by Mr. Wederburn of the Bombay Civil Service for the encouragement of conciliation or Pan-

chayet Courts as the best solution of the Agrarian problem, and the Secretary of State was pleased to promise a favourable consideration of the proposal. The people of this presidency feel naturally a great disappointment when they find that instead of facilitating the work of private arbitration the new Bill proposes an enhancement of duties from 2 to 5 percent upon all awards above a certain minimum. In the Madras Presidency village and District Punchayet Courts have long been recognized by law, but owing to the apathy of the people no advantage is taken of these favourable provisions, while the new Bill leaves the Madras Courts free from any interference, it threatens to put a stop to this spontaneous activity on the part of the people of this Presidency by the enhancements proposed. This inequity, the Sabha humbly submits, will work a great injustice unless it is remedied before the bill is passed into law. It is earnestly hoped that the subject will receive the most favourable consideration at the hands of His Excellency in Council, and that the present duty on awards will be allowed to be altogether abandoned or at least to remain unchanged by reason of the great interest involved in it.

5. As regards the penalty sections, the Sabha submits that the distinction made by the law between documents with the one anna adhesive stamps and other instruments liable to stamp duty in regard to their admissibility in evidence is unjustifiable. By making the one anna instruments inadmissible even after payment of full penalty required by the law in many cases great injustice is done for which there does not appear to be any sufficient justification either in the interest of revenue or in the administration of justice. The inconvenience felt at present of permitting instruments liable to one anna stamp to be received in evidence after payment of the proper duty arises chiefly from the fact the one anna stamps are not impressed like those of higher value and adhesive stamps are to be used. This inconvenience will be removed by the issue of impressed one anna stamp papers. These remarks are made chiefly in reference to stamped receipts. The prohibition of this kind of instruments from coming before the Civil Court works the greatest mischief to the prejudice of poor and ignorant people, who take receipts for small sums and will find too late that they cannot be given in evidence on account of the uselessness of the one anna stamp even after payment of fine to 20 times its value as penalty. The additional expense to Government incident upon the issue of one anna stamp paper will be only nominal, and the advantage of having preappointed evidence as to the date of the sale of the stamps would be so considerable as to outweigh all other considerations. Upon the whole the provisions of the amended bill show a great improvement in the direction of liberality and consideration for the exegencies attendant upon all transactions of an ignorant population, and but little ground is left for complaint in this respect. Neither the statement of

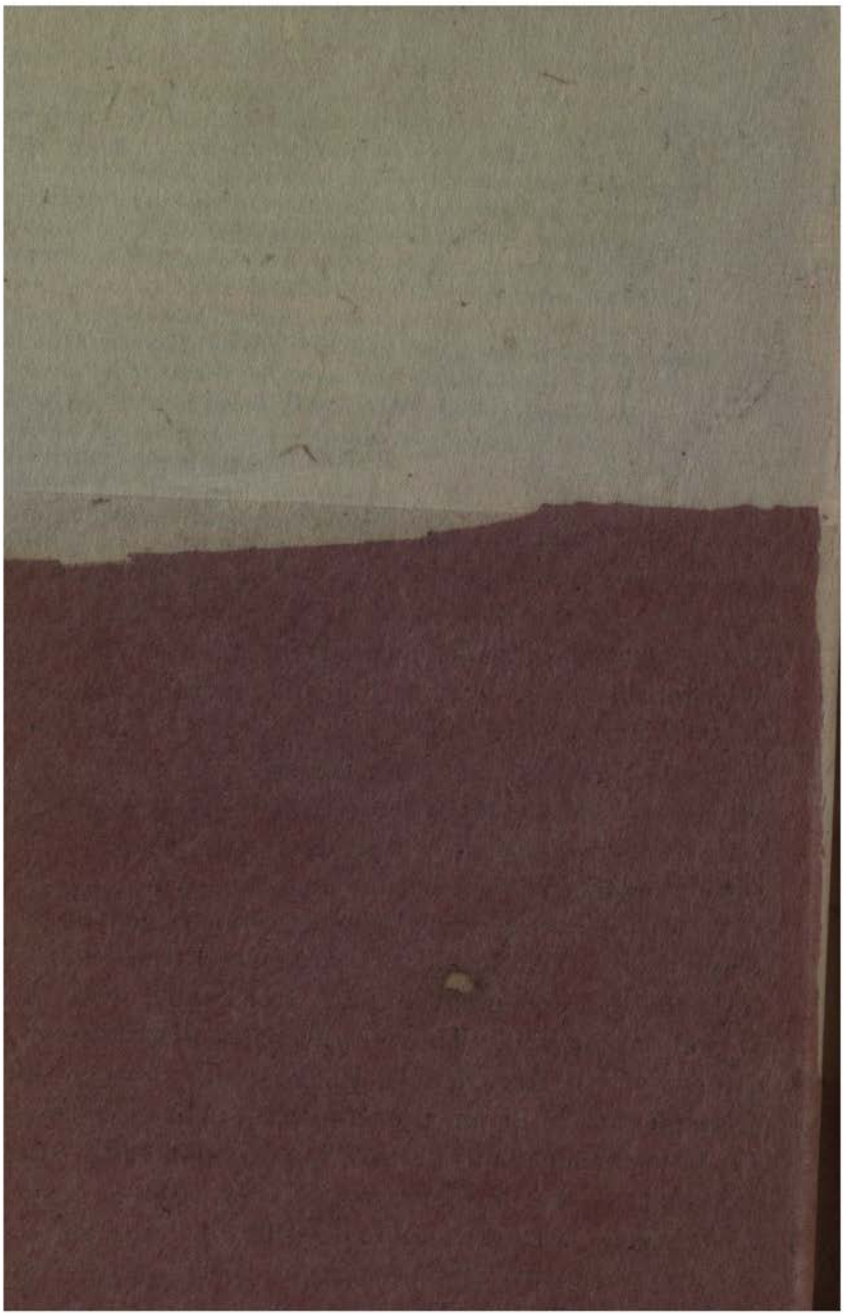
objects and reasons appended to the first Bill, nor the report of the Select Committee thereon furnish any explanation for the great changes and transformation in the definition and classification of the different instruments. Changes in these respects, unless when they are called for by obvious and urgent necessities, introduce an unnecessary element of confusion and instability which is greatly to be deprecated. In the amended bill the definitions contained in the present law of a large number of instruments are omitted on the ground that some of them are covered by other definitions and the rest were superflous. The Sabha submits that the definitions of affidavits, award, bill of exchange, letter of credit, license, promissory note, protest, attorney and respondentia bonds, cannot be under any circumstances regarded as superflous and having found place in the existing law for so many years, should have been allowed to remain for the sake of greater clearness and proper understanding of the law. The changes made in the definitions of Bill of lading, bond, conveyance, mortgage deed, receipt, settlement curtailing or enlarging the significance of the instruments as sanctioned by the present law also introduces a new element of confusion which might have been avoided with great advantage. Stamp laws are after all revenue laws, and any changes in the law made from time to time should for obvious reason be confined to a change in the schedule of rates. In all other respects the provisions of the old law, to which men have grown accustomed from long use, should remain unchanged, even though there may be some defect of system or precision therein. In conclusion the Sabha requests that the several matters referred to above will meet with the most favourable consideration at the hands of His Excellency in Council.

I have the honour to be &c.

SHIVARAM HARI SATHE,

Secretary Poona Sarvajanik Sabha.

the Afghan War was pu[illegible]
on the subject was put into type. It is a circumstance of sincere gratification to us that except in the matter of the Quettah difficulty our anticipations as regards the probable causes of the war, and our condemnation of the blameworthy vacillation of purpose which distinguished our diplomacy for the last ten years, have been amply corroborated by the testimony of the highest officials. Our position regarding the Quettah occupation, however, is not borne out by the Ameer's well-authenticated complaints. Our suggestion regarding the employment of the armies of our Native Princes in this war has been to a great extent anticipated with universal satisfaction. The question of the distribution of the cost of the war between England and India on the principle observed in the case of the Abyssinian war has not yet been finally settled, but we confidently trust now that the war has been happily brought to a successful issue, the solution of this difficulty also will be one not unworthy of the relations between the two countries.—*By the Editor.*



THE AFGHAN IMBROGLIO

WHO IS TO PAY FOR IT.

THERE is perhaps no better instance in Indian annals of history repeating itself with a strange fidelity than the present Afghan War, upon which the Government of India has now entered after an interval of 40 years. Two generations have since then grown and withered into decay, and we find ourselves in pretty much the same predicament in our relations with Afghanistan as we stood in 1838, when a British Army forced the Khyber, and after capturing Kandahar and Ghazni, placed the effete Shaha Suja upon the throne of Kabul. Then as now no opposition worth the name was experienced by the invading armies, except what was offered by an ungenial climate and bad communications. Then as now it was the fear of Russian aggrandizement and of the intrigues of Russian envoys at the Court of Kabul, which forced the Government of India to adopt a policy of hostile dictation, and resolve upon an arbitrament of the sword to cut asunder the Gordian knot which baffled diplomacy had failed to untie with gentle hands. We cannot but think that there is much of sentimental exaggeration in the lessons which alarmist writers take delight in dinning into our ears of the consequences of a forcible occupation of Afghanistan by the military strength of British India. The loss of life attendant upon the ill-advised retreat of the Kabul Army in the winter months of 1842 was a great disaster, but it was amply avenged by the second invasion of Afghanistan under Generals Pollock and Nott. No such disaster need be apprehended on the present occasion, for while the resources of the Afghans and the spirit of union among the tribes have no whit improved during the long interval that has elapsed,

this same period has witnessed an enormous development of the military resources of British India. Punjab and Sind which were then independent, and whose rulers had to be propitiated to allow the invading army to march through their territories, have been since brought within the control of direct British administration. The base of operations has been advanced from the Sutledge to the Indus. The occupation of Quetta in the Belooch territory has opened the heart of Western Afghanistan, and the resources of all the frontier states from Cashmir to Bhavalpoor over an extent of nearly 700 miles have been freely placed at the command of the Government, and thorough railway communication has been established throughout British India up to the very mouths of the much-dreaded Afghan passes. Moreover, our quarrel with Afghanistan this time is based upon more intelligible and reasonable provocations. The armies of British India have not entered Afghan territory to support the representatives of any former effete dynasty against the wishes and inclinations of the Afghan people. The Government Proclamation has not shirked the main question at issue, and has distinctly formulated the only groun which justifies the resumption of hostilities. Whi the Afghan ruler has "refused to receive a British Mission, and left unanswered friendly communications addressed to him by the Viceroy, and repelled all efforts towards amicable intercourse between himself and the British Government, he has received formally and entertained publicly at Kabul an embassy from Russia, and he has done this at a time when such an act derived special significance from the character of contemporaneous events in Europe, and the attitude of England and Russia in relation thereto, well knowing all the while that the Russian Government stands pledged by engagements with England to regard his territories as completely beyond the sphere of Russian influence." This is the single issue, and the only provocation which in our view justifies recourse to aggres-

sive hostilities. All other charges detailed with such fulness in the Proclamation have been added as make-weights to load the scale of war. The issue thus honestly formulated is one which diplomacy alone would never have solved, and it is a great relief, after the many vicissitudes through which the country has passed during the last ten years spent in abortive and fruitless negotiations, to find that at last the dogs of war have been let loose, and the appeal to the God of hosts has been made to decide once for all whether British India is to continue its progress of peaceful development, or whether it is to be as before at the mercy of the Central Asian hordes of Tartars, Moguls, Uzbeks, Turkomans, and Cossacks.

If this issue were put out of sight, we must freely confess to our sympathy with those who in India and England have denounced the present war as a monstrous crime, and an unrelieved exhibition of iniquitous ambition. It would have been well if the Government Proclamation had not, in its eagerness to make out a good case against the Afghan Amir, distracted public attention by enumerating with tedious length and inaccuracy the many acts of supposed favour and friendship which have been showered upon the unfortunate Shere Ali. If the past history of our negotiations with him be ever reviewed from the non-partisan point of view, there will be no difference of opinion that Shere Ali has been more sinned against than sinning, that he has been tossed to and fro, played and trifled with, in a way that reflects little credit on the succession of rulers who have made it impossible for the Afghans to regard British Indian diplomacy with favour and confidence. It is no secret that when Shere Ali's fortunes were at the worst, the British Government, which had formally recognised him as the legitimate successor to the Kabul throne, conveniently forgot the obligations imposed by such a recognition, and went so far as to welcome his brother Afzulkhan, who had driven Shere Ali to Herat in 1866, as the

de facto ruler of Kabul, and acknowledge him as the sovereign of the country, and after Afzul's death in 1867, the Indian government treated Azimkhan with similar favour, and even condescended to formally invite him to an interview at Peshawar in March 1868. Shere Ali and his son, by the strength of their own resources, overcame all obstacles in the subsequent two years, and entered Kabul in January 1869 as the sole uncontested masters of the whole of Afghanistan. It was not till then that the Government of India awoke to a sense of their obligation, and a new Viceroy received the Amir at a Grand Durbar at Umballa on the 24th of March 1869, and presented him with a costly sword, which Shere Ali promised not only to use against his own enemies, but also against those of England. It is not to be expected of human nature, certainly not of Afghan human nature, that Shere Ali, who expressed his contempt freely of the pageant of Indian Rajas and Nababs who graced the Durbar, should be so dazzled with the Umballa festivities as to forget that, in his hour of need, the helping hand had been withheld from him, and he had been left to shift for himself as best he might.

This was not all. Hardly had the festivities been over, when Shere Ali was puzzled with an exhibition of friendship which he could not but resent. The Seistan difficulty, which had been a source of long-standing disputes between the Afghans and the Persians, cropped up about this time, and both parties consented to the mediation of the British Indian Government. Herat had been secured to the Afghans at the cost of a Persian war, and, as if to undo this favour, the arbitrators appointed by the Government declared that Seistan was part of Persian territory, thereby weakening the hold of the Amir in Western Afghanistan by letting in the Persians betwsen Kandahar and Herat. Sir Douglas Forsyth has expressed himself strongly upon the injustice of this award, which

appears to have been based upon some old claim which Persia made to the sovereignty of that province, though that claim had been successfully resisted by the Afghans ever since the break-up of Nadirshaha's power, and the rising of the Duranee and Sidushi and Barukzee tribes under Ahmed Abdalli about 1750. No attempt that we know of has been made to justify this award, and Shere Ali has always expressed himself strongly on the point of the injustice done to him in this respect.

Just about this time Lord Mayo, who invited the Amir at Umballa, was killed by an assassin's hand, and Lord Northbrook succeeded him in the Viceregal office. The *entente cordiale* sought to be established by Lord Mayo was disowned by his successor, whose most prominent act in the matter of our relations with Afghanistan was the resolution to occupy Quetta as an advanced post in the Belooch territory. Taking advantage of a provision in an old Afghan treaty which had been allowed to stand in abeyance for nearly 30 years, the Indian Government interfered as peace-makers between the Khan of Khelat and his rebellious Sirdars, and, in consideration of aid offered to the Khan, secured his consent to a temporary occupation of Quetta by a British force with a view to secure the tranquility of the country. This temporary occupation gradually developed into a permanent one, and the escort, as it was euphemiously called, of Major Sandeman swelled into a considerable force of all arms, and Quetta has during the last two years become to all intents a British outpost. Pursuing the old policy of Marquis Wellesley, the Viceroy recognized and honoured the Khan of Khelat, who was not long ago a feudatary of the Afghan ruler, as an independent prince under British protection, and at the Delhi Durbar in the beginning of 1877, the Khan of Khelat secured a very prominent place in the good graces of the Indian authorities. By the occupation of Quetta, southern Afghanistan has been opened to our troops,

and the difficulties of the Bolan pass have been to a great extent nullified. The advantage to an invading army from India, which this occupation of Quetta has secured, has been signally manifested in the present campaign. The Amir Shere Ali's wishes were never consulted on the point, and it is no wonder if he has never been reconciled to this Quetta occupation, which was obviously intended as a hostile move. Lord John Lawrence has always set his face steadily against the policy of this forcible occupation of Quetta, which found favour with other Indian authorities, among them, Sir Bartle Frere. The wisdom of this occupation has been amply justified by subsequent events, but this circumstance ought not to blind us to the fact, that the Amir had good reason to regard this advance of the British frontier right into the heart of his own country as an act not in keeping with the guarantee given to his father by the treaty of 1855, by which the Indian Government had bound itself to respect the integrity and independence of the territories of the Kabul ruler. On the principle now for the first time boldly avowed by Sir James Fitz-Stephen, the standing advocate of all the acts of ambition and force on the part of the Indian Government, this breach of the treaty may be defended, for there is no international law according to Sir James Fitz-Stephen to appeal to, no code of mutual obligations binding as between the Indian Government and its Asiatic neighbours. However easy it may be to brush away the conscientious scruples of men like Lord Lawrence, and Earl Grey, and Mr. Bright, and the peace party generally against this act of forcible occupation, the negotiations which were carried on at Peshawar between the Afghan envoy and Sir Lewis Pelly brought out the fact clearly, that Shere Ali has not yet learned to reconcile himself to the comforting faith, that while he is to be held bound by the terms of his treaty obligations, the British power in India is absolved from all such binding reciprocity.

The Proclamation of the Viceroy makes a great point of the fact that the powerful influence of the British Government secured to the Amir a formal recognition by the Emperor of Russia of a fixed boundary between the Kingdom of Kabul and the Khanates of Bokhara and Kohkand, and the sovereignty over Wakhan and Badakshan in the northern part of his territories. This formal recognition of the authority of the Amir on the Balkh side of his territories is, however, a matter about which the positive assertion in the Proclamation does not seem to be sufficiently justified by the actual condition of the relations between the Amir and his northern neighbours. It has not prevented the Russians from refusing to acknowledge the Oxus as the boundary between their own tributary states and the territories of the Amir. Lord Clarendon and Prince Gortschakoff may have exchanged mutual assurances with one another on this point to their own satisfaction, but the Russian generals, acting on the principle that no international obligations exist to the prejudice of their own advance in Central Asia, brought such pressure to bear upon the Amir, that in self-defence Shere Ali, relying upon the socalled guarantee, asked the Indian Government in 1873 for a definite assurance that the Indian Government would lend their material and moral assistance to help him against the Russian Government, and their Central Asian military commanders. At that time Lord Northbrook turned the cold shoulder to the advances made by the Amir, and he was told to mind his own business, and to govern his territories in such a way as to give no provocation to the Russian military commanders. Lord Clarendon in his place in Parliament tapered down the material into a mere moral guarantee, the significance of which surrender could not be mis-understood by Shere Ali. During the last 12 years, this moral support of England has been unstinted in its wordy profusion, but it has not saved the Danes, or the French, or the

Turks, from being despoiled of their possessions by the great military empires of Europe. When Khiva was threatened and afterwards subdued, and Bokhara was brought under Russian control, this same moral guarantee was found to mean no active interference on the part of the British Government, and these painful experiences taught the Amir that he had little hope of assistance if the Russian commanders carried out their plans of annexing Merv, and advancing their outposts to the neighbourhood of Balkh. The Peshawar envoy of the Amir insisted strongly on these points, and Sir Lewis Pelly's negotiations broke down as much on this account, as on the alleged refusal of the Amir to receive British Residents at Herat, Balkh, Kandahar, and Ghazni.

Exposed to the attack of the Persians on the West, with Kandahar opened up to the British attacks from Quetta, his northern boundary not definitely assured to him against the Russian aggression, his own nephew Abdul Rahiman being received and entertained as a pensioner by the Russians at Samarkhand, the Amir naturally grew sulky, and did not know his own mind as to what he might expect from the British Government. At this time he began to entertain the design of securing the succession of his throne to his youngest son Abdulla Jan, passing over the claims of Yakub Khan. He turned to the British Government as his natural support to back him out in any family arrangement he might think advisable to make in the interests of his own dynasty. Yakub Khan had done nothing to secure the good wishes of the Indian Government, and Abdulla Jan's succession would not have been prejudicial to British interests in any perceivable degree, if the Amir could have got his unruly Afghan Sirdars to go with him and sanction the arrangements. The British government, however, went out of its way and lectured the Amir on the high moral ground of respecting Yakub Khan's legitimate claims, and the iniquity of the Amir's

dealings with his eldest son, who, at this time it must be remembered, was in open rebellion against his father. This interference with his pet designs was naturally resented by Shere Ali, who could not be got to understand what conceivable interest the British Government had in upsetting his family arrangements. Asiatic rulers are always very touchy on such a point. The succession to the Kabul throne had never been regulated on any settled principle, but had always been a matter of scramble and chance in which the stronger and the more wily party prevailed. The Amir managed with some art to persuade Yakub to come over to Kabul, and put him into confinement. The British Government of India throughout these negotiations played no creditable part under Lord Northbrook's administration, and by the time that Lord Lytton assumed the charge of the Empire, the alienation between British India and Afghanistan was almost accomplished.

Just a chance was left for the return of the cordial understanding which had obtained for a brief interval when Lord Mayo received the Amir at Umballa. Lord Lytton, however, came with instructions from the Ministry to settle once for all the Afghan difficulty on a permanent footing, and he determined upon the only alternative which was left to him by the inconsistent and devious policy of his predecessors. Taking advantage of the great gathering of Princes and Chiefs at Delhi for the Imperial Assemblage, he adroitly sent a courteous invitation to Amir Shere Ali to attend the Durbar. The Amir sagaciously foresaw all the consequences involved in his acceptance of such an invitation, where he would have to herd along with the princelings and Rajas and Nabobs for whose bespangled embroidery and ribbons he had expressed such contempt at the Umballa Durbrar, and where he would have to rub his shoulders against his vassal, the Khan of Khelat. He, therefore, returned no reply to

the invitation, and Lord Lytton had the mortification to find that he had thrown away his first trump card to little purpose. It was then arranged that the Amir and the British Government should each depute a faithful envoy with plenary powers to smooth the difficulties between the two Governments, to receive and render mutual explanations, and to re-establish an amicable understanding based on mutual interest. For now, in consequence of the war in Europe, it was felt to be a matter of supreme interest for England to be secure on the Afghan side, as a bulwark defensive and offensive against the Russian aggression. The envoys met at Peshawar, and had confidential interviews with one another for six long weeks. But they failed in giving mutual satisfaction. The details of the instructions given to Sir Lewis Pelly by the Government of India have not yet been published, and it has been even authoritatively denied that, among these instructions, there was a provision requiring the Amir to receive British residents at Balkh, Kandahar, Ghazni, and Herat. There can be no doubt, however, that Sir Lewis Pelly was directed to insist upon the Amir's consenting to permit British officers free ingress into all parts of his territory, whenever the Government of India felt itself called upon to send its agents throughout Afghanistan to report upon the movements of the Russians in the north. This consent was made a condition preliminary to a restoration of the old relations between the two powers. The Amir had no objection to receive Native Agents, but he was dead opposed to admit British officers into his territory. Shere Ali is old enough to remember what complications arose from the residence of British envoys at his father's Durbar 40 years ago. The presence of British Officers acts as a disintegrating force, round which gather all the unruly elements of tribal and family discord, and the authority of the Native rulers is paralyzed for all useful purposes. The Amir has always declined to add this new trouble to his crown of thorns, and repea-

tedly expressed his inablity to guarantee the safety of British Officers in his territory against the jealousies and the fanaticism of his subjects. As the Indian Government would not yield to a compromise on this point, the Amir refused all the baits tendered for his acceptance in the shape of a renewal of the subsidy first paid to his father to keep him quiet during the troubles of the mutiny times, and of an offensive and defensive alliance against Russia, and even the recognition of his choice of Abdula Jan for his successor. No unprejudiced person will find it in his heart to blame the Amir for his determination not to accept the badge of slavery and subordination which was sought to be forced upon him, and rather elect to fight it out even against such heavy odds.

The war in Turkey followed next. The obvious indecision which the British Government, by reason of its divided counsels and the absence of European allies, displayed throughout the Turkish crisis, and the indisputable success of the Russians in their diplomacy and in their aggressive war against Turkey, contrasted strangely with the inconsistencies of the British policy, and had their effect in warning Shere Ali from all his old predilections for a British alliance against Russia. The Constantinople Government in its worst difficulties thought of creating a diversion in Central Asia by enlisting the active assistance of the Afghans and the Khans of Turkestan on the anti-Russian side. This attempt failed with the collapse of the Turkish power in Asia, and the certainty, which the Berlin Congress only but too well confirmed, that Mussalman Turkey could not expect any single Christian power in Europe to take up its cause, or to refrain from seizing possession of its outlying provinces. Throughout Central Asia the moral effect of Russian success was over-powering, and it is not a matter of wonder that Shere Ali bowed to this prestige, and opened his hitherto closed dominions to the Russian commanders in his neighbourhood. Shere Ali in his

forced exile and wanderings between 1866 and 1868 had profited in diverse ways from his intercourse with these Russian commanders, and his reception of the Russian envoy, under these circumstances, was not a matter which need excite surprise.

At the same time we are free to confess that he would have consulted his interests better if he had accorded the same welcome to the British envoy, and received him with all his escort at Kabul. His downright and even insulting refusal to receive the Chamberlain Mission, while the Russian envoy was feted at Kabul, was a direct challenge to the British Government, and laid him open to the charge of having provoked the quarrel, which can only end in the ruin of his kingdom. The two embassies, facing each other at the Kabul Court, would have no doubt by their mutual jealousies involved him in endless difficulties, and possibly these difficulties would not have found any solution except by an appeal to arms. In that case the great conflict, which must come one day, would have been precipitated; but it would have been a strife of giants, between Russia and England for the mastery of Asia. Afghanistan and India would not in that case have been made to fall with one another on false issues, and possibly a smooth way might have been found out for the temporary settlement of this great rivalry between the two powers.

It is of course useless, now that the war has commenced, to speculate upon what might have occurred, if Shere Ali had the sagacity to perceive his true interests. It is, however, of the utmost consequence to remember that the war which has commenced is not one in which the only interests that conflict are those represented by the Afghan ruler and the Government of India. The Afghans by themselves have never been in a position to threaten the tranquillity of India, and in their best times they have been over-matched on more occasions than one by purely native Governments. Kabul was

for centuries together an Indian province, and under the later Mogul Emperors, Rajaput Rajas at the head of their clans were appointed as commanders over the provinces which own Shere Ali as their present ruler. Raja Mansing, Raja Beerbal, Sawai Jayasing, and other commanders ruled in these parts as Viceroys of the Delhi Emperors. Later on, the Marathas under the Peishwas twice drove the Afgans far into their own fastnesses on the other side of the Indus. The great Seik Chief Ranjit Sing, within the knowledge of men now living, struck a wholesome terror into the hearts of the Afghan tribes, and wrested Peshawar twice from Afghan rule. The reverse at Panipat in 1761, and the retreat of the Kabul army in 1842, were both due to pusillanimous and divided counsels. In fair fight the Afghans did not stand their ground against the Hindusthani sepoys in the first and second invasions of 1838 and 1842, and, notwithstanding all the reports of Russian assistance and improved arms, we do not expect that any opposition will be made in sufficient force to threaten for a moment the triumph of the British Indian army which has now entered the Afghan territory. Success is almost assured in this case by the fact that the disintegrating and separatist tendencies are already at work among the tribes. In the final settlement which will have to be made of the question of our North-west frontier, it is to be hoped that the Government of India will not lose sight of the fact that the war now undertaken is not so much a demonstration against the unfortunate Amir or his people, as a bold step to assert English supremacy against aggression from Russia, and that great consideration will be shown to the mis-guided Amir who has been exposed to the alternate changes in British Indian diplomacy, and who, except within the last few months, has been so very hardly used. As against the Amir and his people, the war is one of aggression, but as against the Russians it is one in pure self-defence. Once the Amir is disabused of the promised support from Rus-

sia, we make no doubt that he will soon yield to his fate, and consent to subordinate his interests to those which England represents in Southern and Western Asia.

It has been justly observed that the whole of Asia is now split up into four great empires ; China on the East, Turkey on the West, British India on the South, and Russia on the North. These four empires tend to face each other on the great plateau in Central Asia to the north of the Hindu Kush, and, as will be seen from the map, the Russian power is thrust in as a wedge, and has frontiers conterminous with Turkey, China, and British India. Persia and Afghanistan naturally fall to the leadership of England, and both these countries must make up their mind to cast their fortunes with British India, if they wish to thrive and prosper as permanent nations. The population of Afghanistan and Persia are essentially Aryan in their ethnology, and the Pushto language spoken by the Afghans is of Aryan stock. The four empires thus represent the four great nationalities, Turk, Chinese, Aryan, and Tartar races. Russia, by force of circumstances and national affinities, has assumed the leadership of the Tartar races, and is now actively struggling to hurl these nomad hordes upon the plains of Southern and Western Asia. In times past, these invasions have deluged India and Persia with blood, and swamped off their civilizations. British India has a right to expect that, under the protection of England, it will be secure for ever, at least till it can learn to be self-dependent on its own resources, from the renewal of these invasions, and the descent of the Tartar and Cossack hordes under the Sclav successors of Zingiskhan. The twenty millions of tribute paid from year to year by India to England is a cheap insurance payment for such a protection. India cannot afford that, at the mouths of its passes and near its weakest line of defence, this permanent menace should be allowed to continue and gather strength. England's greatness rests on her Indian dominion, and

the interests of the two countries have been wedded together in indissoluble union. In any settlement that the British Government will make at the close of the war, it is a matter of the greatest consequence that this menace should be removed for fifty or a hundred years at least. Neither Afghanistan nor Persia can be allowed, in their own interests as much as in those of India, to imperil the great work that has fallen to England's lot to undertake in Asia. It may be said that the people of India can find little of comfort in the prospect of seeing another independent Asiatic kingdom bend its neck under the yoke of foreign rule. While fully alive to the anomaly of this position, we think that it would be bad patriotism to ignore the inevitable order of things. Between England and Russia, Shere Ali must make his choice of masters, and in his own interest, as in those of ours, it is necessary that his choice should be so regulated as not to threaten interests of far higher magnitude than the independence of a few mountain tribes to whom the accident of position has entrusted the key of Indian safety. Balkh and Herat, Kandahar and Jellalabad, must, therefore, be occupied in strong force under temporarily permanent conditions, until at least the Amir Shere Ali has learned to reconcile himself to his position as a subordinate factor of this great alliance. The expenses of a permanent occupation in force might be avoided by allotting the task of garrisoning these frontier territories to the great Indian feudatories, who might be presented with these slices of the conquered country in Jahgir burdened with the condition of service. The Maharaja of Kashmir might have the Kuram valley, the Seik Chiefs of the Panjab might garrison Jellalabad, and Scindiah, and Holkar, and the Nizam, might send contingents to occupy Herat and Balkh. Such a policy would cement the empire, and set at rest the question of the native armies, which has been so prominently brought to the front of late.

When the position is once recognized that the pre-

sent war, though nominally waged by the Government of India against the Afghan ruler, is yet really waged by England in pursuance of imperial interests against Russia, the question as to the proper apportionment of the cost of the war finds an easy solution. The conscience of England, represented by its noblest leaders, men like Mr. Gladstone, Mr. Fawcett and a score of others who might be named, has been already awakened to the enormity of repeating the injustice committed in this respect with regard to the cost of the last Afghan war. The war has been forced upon the Amir by the inconstancy and vacillation of the policies which the opposing Whig and Tory Governments of the day required successive Viceroys in India to carry out. The masterly inactivity of Lord John Lawrance gave way to the frank cordiality of Lord Mayo; but before Lord Mayo could complete his work, Lord Northbrook succeeded with his repulsive and cold indifference in alienating the Amir from England; so that when Lord Lytton came with another policy chalked out for him by the Ministry, he had no alternative left but to bring matters to an early crisis. The Viceroy has shown masterly skill in forcing the hands of the Amir before the Russians were enabled to work any permanent mischief by securing a recognized footing at the Kabul Durbar. The Amir has had reason enough to complain of this alternate hot-and-cold-blowing of the Government of India, but the fault lies not so much with the individual Viceroys, as with the changing views of the Ministry in power in England. The hot discussion carried on in the English Press by the great Indian authorities, and the attempts made by the Ministry and the Opposition to take each other to task as the authors of the war, show clearly that the responsibility as well as the interests involved must be shared by England with India. We have no doubt that when the time comes to make a reckoning of the ordinary and extraordinary expenses of the war, England will bear its share of the burdens as it certainly will claim the ho-

nour and the prestige of success. The precedent of the Abyssinian War is one that may well be followed in the present case. Poor and over-burdened India should be charged with the ordinary expenses of the military and civil establishments engaged in the war, and all extraordinary charges should be borne by the English treasury. In urging such a claim for consideration, the subjects of Her Majesty's Indian Empire ask for nothing which is not strictly their due. If the old injustice were repeated again, the war expenses will necessitate further addition to the famine taxation, and exhaust all the resources of the Empire, and the threatened bankruptcy of Indian Finance will be precipitated with a suddenness which must tax all the energies and resources of British India.

BOUNDARY SETTLEMENT COMMISSIONS.

The British Government in India has now definitely assumed to itself all the prerogatives of the sole Paramount Power in India. About three years ago, a rather sharp controversy arose in this connection suggested by a very thoughtful article in the *Indu Prakash*, which, while according to the British Government a *de facto* supremacy over the native states in their relations with one another and with foreign powers, contended with some reason that this supremacy had no foundation *de jure*, and that it resembled the hegemony claimed by the leading power in several of the conglomorate states of modern and ancient Europe, more than the claim put forth of feudal suzereignty over vassal states. This suggestion was denounced more in England than in India as a seditious declaration, but the warmth and violence of these denunciations showed but too plainly the weakness of the case which the high-handed advocates thought themselves bound to make out. At any rate this controversy disclosed the necessity of a formal enunciation of the true character of the supremacy claimed for the British Government in India, and the Durbar at Delhi with its gorgeous pageant was intended to remove all doubts on this point. As all the great Chiefs who were invited to that assemblage accepted the new order of things with a readiness which surprised everybody, and as even Sir Salar Jang, representing the oldest ally and the first native power in India, has yielded the point; no question can now arise in this respect to distract the minds of the authorities. We only wish that the Paramount Power, so firmly seated in its supremacy, will now feel better disposed to give effect to the responsibilities entailed upon it by its position.

As far as we can see, there are no signs of an in-

tention to give full effect to these legitimate expectations of the great and small states, which are now protected by the strong arm and the stronger faith of the British Government. The subject is a vast one, and there are many side-views of it which we cannot take up at present. Our attention, however, has been forcibly directed to one aspect of it, represented by the arrangements and rules which at present obtain in regard to the settlement of boundary disputes between the native states in Rajaputana and Central India. The last administration report of the Indore Territory contains the latest edition of these rules, copies of which were sent by the Viceroy's Agents in those parts to all the states in Central India and Rajaputana for their guidance. We cannot afford space to extract the whole body of the rules, but a glance at them suffices to show that these rules are essentially one-sided, and unduly favour the smaller states and Thakurs, Girassias, Bhumiahs, and Bhayads, in the settlement of their disputes with the greater Chiefs. The same complaint has reached our ears in regard to the working of the Boundary Settlement Commissions in Kattiawar and Kutch, and in the Baroda territory. The native officer appointed by the Dewan of Baroda to confer with the British officer, who has been specially deputed by the Government of India to settle the Girassia disputes, has frequently found reason to complain of his utter helplessness to secure the interests of his state against the unjust encroachments which seemed to find favour with the other member of the Commission. The fault, of course, does not lie with the individual officers so much as with the radically defective rules they have to follow in the investigation of these claims. In the absence of any official information regarding the details of these Baroda rules, we cannot take upon ourselves to judge how far these complaints, which come from so many quarters, may be well-founded or otherwise. If, however, they resemble in their general features the rules sanctioned by the Government of India for the

guidance of its officers in Central India and Rajputana, we can readily understand the grounds of the general dissatisfaction of the authorities in the larger native states with the procedure adopted by the Boundary Settlement Commissions.

The great fault we have to find against these rules is, that they do not recognize the rival and contending parties as Plaintiffs and Defendents in an ordinary civil suit relating to boundary disputes. This radical defect disastrously interferes with the fairness of subsequent proceedings. Boundary Settlement Officers are not expected to be masters of the law of evidence, but it is not too much to expect of them that they should observe the principles by which ordinary courts are regulated in fixing the burden of proof upon the proper party, and in giving due weight to legal presumptions. The party who asserts his right to a disputed boundary is the proper person to be called upon to support his claim. Boundary Settlement Officers, however, but too frequently over-ride this rule, and call upon the Defendants, who in most cases are represented by the larger states, to prove their title to continue in undisturbed possession. Of course the general rule in regard to the burden of proof is qualified by certain exceptions based on presumptions of facts which, though not conclusive, are irrebuttable, and make out a *prima facie* case for the Plaintiff, and thus shift the burden on the Defendant. The Indian Evidence Act in its sections 101 to 110 embodies the rules and exceptions noticed above. These rules, however, are not attended to by Settlement Officers, and the course of procedure adopted by them may be briefly described as follows :—

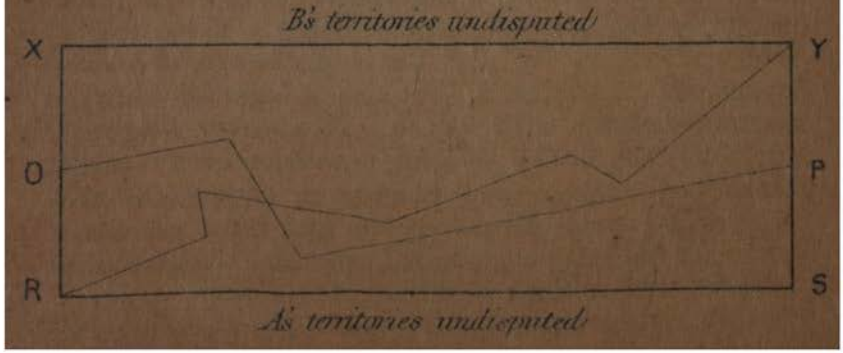
Any person residing in a village belonging to one State, complains that some plot of land, which is being used by a neighbour of his as belonging to a neighbouring State, is within the boundary of the village belonging to the former state. The person using the land demurs to this statement.

The former reports to the Durbar to which his village belongs, that the neighbouring village of the other State is encroaching on its state lands. The Durbar communicates the same to the Political Officer attached to the Durbar. This Officer sends a Chaprasee or Ameen to prevent the disputed land or tract from being used by any one. This Chaprasee or Ameen determines at his discretion how much land is in dispute, and prevents its being used. It should be here noted that the complainant almost invariably gives no particulars of the land in dispute, nor furnishes a map showing the same. The decision of the Chaprasee determines, therefore, the land in dispute preliminary to the official inquiry which often takes years to be finally settled. He often includes in the disputed tract lands which have been in the peaceful possession of parties for years. If it is arable land, some-body who is put in by the Chaprasee cultivates it, and the whole produce, not the assessment thereon, is taken away and deposited in the Treasury of the Political Department. Years roll away before such disputes are taken up for settlement. When a junior Officer of the Political Department is deputed to settle such cases, which is often the case, he calls upon not only the private complainant and the alleged trespasser, but both the states to prefer claims and produce evidence to substantiate them. It is at this stage of the proceedings that the complainant, instigated by the encouragement he receives from his state, begins to think of giving a shape to his claim. He claims not only the land, the use of which he objected to originally, but also a large slice of the territories of the other state. Howsoever long this may have been in the peaceful possession of the party complained against, and howsoever adverse to the complaining party this possession may have been, the party and the state complained against is required to shew his title to the whole tract in question.

No regular hearings are held. The pleadings are

not read in the presence of the parties, and no call is made for "such explanations from them as may be necessary to enable the Court to ascertain the precise points in dispute." The well-known rules of procedure in disputed cases are not enforced. These are, as our readers well know, that admissions made on either side shall be noted down so as to lead the parties to the narrowest possible issues; that the Court shall then proceed to subjoin on the same paper the points in issue, whether relating to matters of law or of fact, subjecting the same before placing them on the record to discussion by the parties in order that any error or omission therein that they may be able to indicate may be rectified; that the points in dispute, thus to be placed on the record, shall embrace only such primary material allegations as go to form the Plaintiff's claim, or on the other hand, such as may serve to demonstrate its untenability; and lastly, that no evidence, oral or documentary, shall be received but such as may be relevant to some point in dispute as recorded by the Court for establishment.

While the aforesaid rules of procedure are not adopted, the parties are called upon to submit sketches unprofessionally drawn showing the extent and directions of the tracts claimed disputed by each. When these sketches are put together, they generally look like the following diagram.



A's claim extends to X. Y, while B's to R. S. The Officer rides over the disputed tract, and generally decides that as both parties have failed to substantiate their respective claims, each party should have a portion of the tract ; for instance, the crooked line R. Y. O. P. should be the boundary. Very often in fixing such imaginary lines, natural limits such as ridges, canals, &c., even if they happen to be very close to these imaginary lines, are not accepted as boundaries.

A decision to this effect is drawn out by the Boundary Officer in English, whenever he is a European gentleman, which is generally the case, but its copy is not given to the parties. A Persian translation is supplied as containing the decision of the case. Now, the Pesian is not the Vernacular language of the Judge, nor is it the State language now. These Persian decisions, when received, have to be translated into the Vernacular or State language of the Durbar. Thus the real meaning and force of the language of the decision becomes, if not perverted, at least vague and obscure in many places. The decision, moreover, of the first Settlement Officer is generally final. It is true that the 31st para of the Boundary Settlement rules lays down,—"Appeals shall be in the form of a Memorandum which shall set forth, concisely, and under distinct heads, the grounds of objection to the decision appealed against, without any argument or narrative," but these rules prescribe no procedure for the hearing of appeals. This rule is evidently taken from the provisions of the Civil Procedure Code of British India.

Para 52 of the Madras Rules of 1855 lays down:—"The grounds of objection shall be stated distinctly and concisely without any argument or narrative of facts."

Section 334 of Act VIII of 1859 and Section 541 of Act X of 1877 say,—"The Memorandum of appeal shall set forth concisely and, under distinct

heads, the grounds of objection to the decision appealed against, without any argument or narrative."

These Acts, however, do not stop here, but lay down what should be done with such appeals when filed. Para 55 of the Madras Rules of 1855 goes on to say,—"On the hearing of appeals, oral pleadings are to be allowed."—Section 344 of Act VIII of 1859 adds—"A day shall be fixed by the appellate Court for the hearing of the appeal." Section 349.—"The Appellate Court, after hearing the appeal, shall proceed to give its Judgment in the manner hereinbefore prescribed for giving Judgment in Courts of original Jurisdiction"—that is (Section 183). "When the exhibits have been perused, the witnesses examined, and the parties heard in person or by their respective pleaders, the Court shall pronounce its Judgment." The same provisions are laid down in Sections 552 and 571 and 198 of Act X of 1877.

As the aforsaid boundary rules are silent upon these points, the contending parties are refused oral hearings, and they are told that on a boundary matter in appeal, the Court of appeal can or will hear nothing.

Now we ask why should Native Potentates be refused those rights which are allowed by law to the meanest of British subjects? Why should bad law be administered to them with the certain result that it leads to general discontent? Neither party is satisfied with these boundary decisions. Both go on complaining, till they are finally told that their complaints can proceed no further in India, when they seek the protection of some agitator in England. If he undertakes to ventilate their grievances, the India Office looks down upon him as a hireling. The whole Ministerial weight is brought to bear upon the subject in support of the decision, and after a few years' fight, nothing is gained, leading the disappointed combatants to believe that no justice can be had under the British Government.

Let us examine and see whether the Government

is really so arbitrary and ill-intentioned. We know that it is just the reverse. We know that our Government is the best intentioned and most severely honest on the face of the earth. In no Government of any part of the world justice is more valued than in England. Even Royalty is not beyond its pale. Simply to clear a doubt, or to prevent an encroachment, H. R. H. the Heir to the British throne had to seek remedy in courts of justice. Any subject can sue Government, and can command the same conveniences for obtaining justice that the Government possesses. No other nation loves greater fair play than the British. The British nation is roused easily and feels angry at injustice where-ever and by whom-so-ever done, and if it can, avenges the sufferings of the innocent, or at least sympathizes with the sufferers, and denounces the conduct of the cruel and unjust. In short, the British power and snpremacy and the British constitution itself are inherently based on, and revere justice, wish justice to be done even to their enemies, advocate justice, always proclaim that justice shall be done, and do justice whenever they can.

If so, the question arises whence does this injustice proceed to Native States? The only answer to this question is that the fault lies with the defective organization of the Foreign Department of the Government of India. We ask with some impatience if the time has not arrived when such a system should be changed. Of course any change, however welcome, will never come from within the Department. We want the help of a well-informed public opinion, intelligent native sovereigns, honest advisers to them, and great perseverence in all, in ventilating this grievance so as to reach the ears of the authorities in India and in England. Unfortunately for India, and unfortunately for the British name, we are sadly in want of all these. Hence the common law maxim, that there is no wrong without a remedy, has been so often falsified in British India.

We earnestly hope that these few observations will attract the notice of the philosophical and deeply sympathizing Mr. Lyal, the present Secretary in the Political and Foreign Departments, and that he will exert himsef, as he alone can effectively do, to find a remedy for this disorder.

REFUTATION OF THE ARGUMENTS OF DR. SHOEPFER OF BERLIN IN FAVOUR OF THE FIXTY OF THE EARTH.

A popular lecture was delivered by Dr. Shoepfer, some time ago, in which he tried to show that our earth did not rotate either round its own axis, or round the sun.

He said that one should be endowed with unlimited audicity to dare come out before a large audience with proofs of the erroneousness of a scientific formula, which, since our earliest youth, we had been taught to regard as the only correct and unerring theory, and that if any gentleman, but only four months before he had delivered his lecture, had come forward to assert that it was not the earth which revolved round the sun but the sun which revolved round the earth, he would have considered such a man an ignoramus or a lunatic.

Fortunately Dr. Shoepfer was not born in India, and is not a Brahmin ; had he been a Brahmin, and had he delivered such a lecture in India before an audience wholly composed of Brahmins, Shastris, Bhikshuks and Native Joshis, he would have been extolled to the skies and would have been considered a great saviour of the Shastras ; he would not have been considered an ignoramus or a mad man, but a great Pandit of profound learning and vast information.

I: Dr. Shoepfer, like the Hindu Pandits, considers the immobility of the earth as an incontrovertible fact, and brings forward arguments to refute those of his

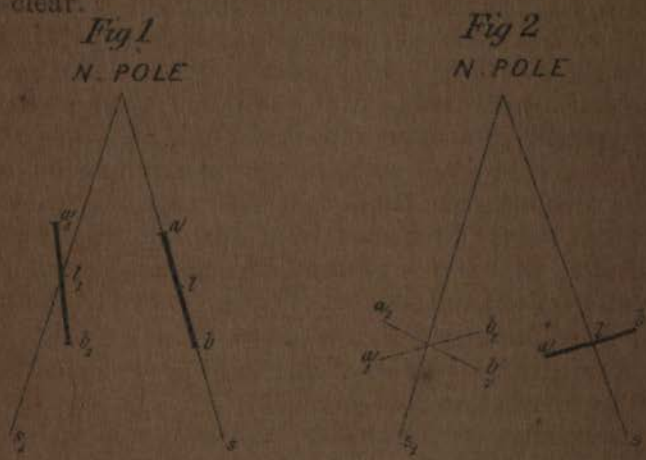
opponents who make the earth revolve round itself and also round the sun.

His first argument is based on the motion of the pendulum, which according to the theory of the celebrated Leon Foucault furnishes proof of the diurnal rotation of the earth round its axis. He does not consider Foucault's experiment sufficiently demonstrative. He considers that the cause which produces the deviation in the pendulum while oscillating North and South, ceases when the pendulum assumes a due East and West position. As a matter of fact the oscillation does not cease, the pendulum still continues moving and deviating till it arrives at its starting point, and then goes on again in the same round as it did before. As the pendulum does not preserve the East and West direction, but gets farther away, he concludes that the deviation of the pendulum is not caused by the axial motion of the earth, but is due to some other cause as yet nnknown.

But any one can see from the perusal of Dr. Shoepfer's arguments on this point that he is quite wrong in his conception of the cause of the deviation of the pendulum. Every body knows that the pendulum is an inert body, and that by reason of its inertia the plane of its motion will always remain parallel to itself. If the earth were fixed, and did not move round its axis, and if the plane of the motion of the pendulum coincided or made a right angle with the meridian line passing through the place of observation, the pendulum would always remain oscillating in that same plane; but if the earth moved, the meridians would not move parallel to themselves. A point in the Southern meridian, gaining in rapidity on a point in the Northern, which moves less rapidly, out-strips it, and so the plane of the meridian changes every moment from its original position. Any one therefore can now see that if the plane of the meridian *i.e.* the North and South line, is perpetually changing, the East and West line, which is always perpendicular to the meridian, should also

change; and therefore the plane of the motion of the pendulum (which really moves parallel to itself) should seem to diverge not only when it is oscillating North and South, but also when it is oscillating East and West

We think the following diagram will make this quite clear.



Let N be the position of the North Pole of the Earth, and NS, NS_1, in both the figures, the two positions of the same meridian at two different times; Let NS represent the first position, and NS_1 the position of the same meridian at another time. Let us suppose at first that the pendulum is moving North and South, and let $A.\ B.$ be the arc of vibration at L, its first position. The diurnal revolution of the earth will bring the pendulum after some time, from L to L_1; the pendulum by its inertia will keep moving parallel to its original direction, and would now describe the arc $A_1\ B_1$ while the meridian would have changed its direction from SN to $S_1\ N$; the arc of the pendulum would thus deviate from the meridian by an angle equal to $A_1\ L_1\ P$. Now let us suppose that the pendulum is moving East and West, *i. e.* at right angles to the meridian at L, its first place. Its arc

of vibration A-B (fig. 2) remaining parallel to itself, would at the second place L_1, be A_1–B_1, while the East and West line here will be A_2–B_2. Therefore the arc of vibration would, even here, appear to deviate from its original position, and by the same angle which it did when its plane of motion was North and South. A little further consideration will show that by the diurnal rotation of the earth not only the meridian deviates from its original direction, but the position of every other line making any angle with the meridian will also deviate. Thus it is quite clear that, since by Foucault's experiment it is found that the (seeming) deviation of the arc of the pendulum whether moving NS or EW is equal to the deviation of the meridian, it is a clear and undeniable proof that the earth does turn round its axis.

The German Doctor states that careful experiments made by him show that all pendulums do not deviate in the same degree; the heavier the ball, the more rapidly it will deviate. But this does not disprove Foucaults conclusions. It merely shows that the lighter balls may be subject to minute influences such as aerial currents &c. which cannot be duly taken into account.

Foucault's conclusion therefore that the earth rotates round its axis must be accepted as conclusively by the result of the Pendulum experiment. Other proofs brought forward to prove the rotation of the earth, though secondary, are still of importance, as they afford corroborative evidence of the truth of Foucault's conclusions.

II. Dr. Shoepfer's arguments against the Pendulum theory being thus disproved, and the rotation of the earth being established, his other arguments become weak and unimportant. Let us however examine them. He says that we understand but little about the nature of the celestial bodies, and the path of their motions in vacuum or in a space filled with attenuated matter is only guessed at upon the strength of an hy-

pothesis; to say therefore, that they cannot have such a velocity of motion as to be able, in twenty-four hours, to circumambulate the earth is not an argument sufficient to justify the supposition of the utter impossibly of the rotation of celestial bodies. Dr. Shoepfer admits, however, that even in antiquity, Aristarchus of Samos, and other philosophers, several centuries before Christ, affirmed, that the stellar sphere was motionless, and that the daily rising and setting of the innumerable stars could only be accounted for on the theory of the earth's rotation round its axis, and that these profound thinkers had come to the above conclusion chiefly on the ground that such an incredible rapidity of motion in the celestial bodies, as would enable them to accomplish a diurnal circuit round the earth could never have been accounted for otherwise. And were they not right in their conclusions? Even at the present moment such an argument is weighty enough. Can any one even now say, that it is easy enough to suppose, that these celestial bodies of different masses, and at different distances from the earth, free to move in any direction in space, would yet suit their motions so to the occasion and in such a way, that they *all* would complete their revolution, not round the earth, but round an imaginary axis in the heavens, in the *same* time, and at an uniform rate in exactly twenty-four hours.

Thus it will be seen, that Dr. Shoepfer has not removed the difficulty of properly accounting for the diurnal motion of the celestial bodies, but has only considered the theory advanced as futile and weak. Foucault comes to the rescue with the pendulum-experiment, and altogether removes the difficulty of accounting for the apparent diurnal rotation of the celestial bodies, by an ocular demonstration of the motion of the earth round its own axis.

This demonstration of the motion of the earth round its own axis removes another difficulty, namely that of explaining the flatness of the earth towards the

poles, and of its bulging out in the direction of the equator. Dr. Shoepfer's explanation on this point is very ingenious, and can not altogether be thrown aside as wrong. The heat at the tropics and the cold at the poles may to some extent cause flatness in the globe, but to say that the accumulation of matter towards the equatorial regions is mainly due to the growth and deposits of materials belonging to the animal and vegetable kingdoms is simply unintelligible. The matter furnished for the existence and growth of the animal and vegetable kingdoms at the equatorial regions, and the colossal deposits of coal &c. do not prove that the matter contained in them has been brought from other regions. Therefore there is no accumulation of matter and consequently there can not be any bulging out on account of this cause.

Now let us examine the German Doctor's fourth and last refutation, his explanation of the cause of retardation in the vibrations of the pendulum in approaching the equatorial regions.

Here we meet with some curious deductions and hypothesis. He says that the retardation of the vibrations of the pendulum at the equator is not the result of the decrease of the force of attraction, (due either to the recession of the object from the centre of the earth or from the centrifugal force), but on the contrary to its increase proceeding from the accumulation of bulk at the equator, in which case the increase of the force of attraction increases at the same time the weight of the body, and in the pendulum the weight of the ball. There is one fact which the Doctor remarks is not known to all physicists, viz. that the rapidity of the vibrations of a pendulum depends not only on the length of its rod, but also on the weight of the ball. We confess we do not understand the drift of this argument. He states that when he elongates the rod of the pendulum, he forces the ball to move on a *longer level*, and increases thereby the weight of the ball. Whatever this expression may

mean, we admit that elongation in the length of the pendulum produces retardation in its vibrations, and we also admit that increase of matter in the bob of the pendulum would also produce retardation, since the same force, acting on a larger mass would comparatively be less felt by it, and would produce retardation; but increase of matter is not always increase of weight for the mass of a body may increase, while its weight may decrease, from its mere removal from the attracting body. Let us take the case of a magnet attracting a piece of iron; if the magnet be stronger, the piece of iron would be more strongly attracted than if the magnet were weaker; but an increase in iron would not make it fly to the magnet so rapidly as a lighter mass of iron would; and similarly an increase of matter in the pendulum may retard its vibrations, and an increase in the attraction of the earth, if the mass of the vibrating body remains the same, would accelerate its vibrations. Therefore Dr. Shoepfer's explanation of the retardation of a pendulum is, in our opinion, erroneous, and we are not disposed to attach any weight to it. The increase in the earth's matter towards the equator should, on the contrary, accelerate the vibrations of the pendulum; but they are found to be retarded, and unless centrifugal force is admitted to be due to the rotation of the earth, the retardation observed remains unexplained. But Foucault's experiments prove that the earth rotates; and a centrifugal force must therefore be created, and this would sufficiently explain the retardation in the vibrations of the pendulum about the equator.

Thus then Dr. Shoepfer's arguments against the rotation of the Earth being all disproved, we must now admit that the earth does rotate round its axis. Indeed we do not see what difficulty there is in this admission. The sun, the centre of the whole solar system rotates round its axis: the moon does the same, all the planets do the same; why should not then the earth do the same, as being one of them?

With respect to Dr. Shoepfer's remarks on the atmosphere and its currents, we do not consider them of much value; the objections which he brings forward to the existence of an atmosphere on our globe if it revolved, or to the non-appearance of any of the effects of the earth's rotation on its atmosphere, (though trade winds can not be explained on any other ground), are equally applicable to other rotating bodies; and if according to the Doctor's theory, the earth were fixed, and the sun and the planets and the stars were made to revolve round it, then the sun, as well as the planets and the stars would have no atmospheres on them. But astronomical observations have indicated the presence of atmosphere on the Sun, Venus, Mars, Jupiter and Saturn; stars are at too great a distance from us, and we have no means of directly ascertaining if they have any atmospheres of their own; but recent observations on the spectra of their lights have indicated the presence of various known substances on their bodies in an incandescent state, and it can not therefore be denied that they also must have atmospheres. So, then, if we find bodies in the vast expanse of this universe, both moving round their axes and possessing atmospheres, it is clear that Dr. Shoepfer has not reasoned correctly upon this subject; indeed, this is quite evident from the way he speaks about the action of gaseous bodies; for he seems to forget that even gaseous bodies have weight, that is they are subject to the earth's gravitation. At the surface of the earth, particles being very near one another, possess great force of repulsion, but this power soon diminishes as the particles recede from one another, and they at last reach a limit where their low repulsive power is completely overcome by the earth's attraction. There is therefore actually no difficulty for an atmosphere to exist on the earth's surface, and to partake of all its motions, at the same time yielding to all its local disturbances.

We think, we have now shown that all the

arguments, brought forward by Dr. Shoepfer against the rotation of the earth round it axis, are untenable. We wish he had brought forward better arguments, and orthodux Hindus would have thanked him much for his trouble. But situated as we are at present, we cannot deny the existence of the earth's rotation round its axis, and we must also bow down our head before the law of gravitation, which at present appears to govern the whole Universe. Dr. Sheopfer admits its existence in the case of tides, but denies it any place among the governing principles of the Universe.

Let us now turn to look to the second portion of the lecture, viz. "The Revolution of the earth round the sun," and see what arguments have been brought forward by the german Doctor against this motion.

The present Hypothesis on this point is based on two propositions, firstly that the earth revolves round the sun, and secondly that it is retained in its orbit by the strength of the solar attraction.

Dr. Shoepfer thinks that these propositions contradict point blank the fundamental law of gravitation itself. We for our part do not understand how they do. We have read all what the Doctor has said on this subject, and yet we are not at all convinced that his arguments are right, and the present theory about the Earth's revolution round the sun wrong. The example addused by the Doctor about the revolution of a ball swinging round our hand, but not being able to turn round its axis, is faulty as an argument. For were the ball attached to the string by a gimbal-attachment, so that it were free to move round itself, it would do so while turning round the hand, and would not at all show the same face towards the centre.

The gist of the long article that he has writted and upon which he has wasted so much paper and ink, is that if the earth revolved round the sun, and was retained in its orbit by the strength of its attrac-

tion, then (as he calls it) the direction of the weight of the earth should always be turned towards the sun, and as a consequence one-half of the earth should have a perpetual day-light and the other half perpetual darkness. The weight of the earth may be supposed to be concentrated in its centre, and as this centre always tends towards the sun, we may freely admit the proposition that the direction of the weight of the earth should always, and does always, turn towards the sun. But we fail to see in this any adequate reason, why one half of our globe should always be in the day-light and the other half always in the dark. The German Doctor however thinks that as we do not see such a phenomenon on the earth, it follows therefore that the earth does not revolve round the sun, and in the end accepts Tycho de Brahe's Theory, which may be summed up in the following words, "That the earth stands still in the centre of the Universe; and round it, as round its natural centre, moves diurnally, the whole heavenly sphere. The moon and the sun, in addition to the above motion, make round the earth independent movements on special curves, while Mercury, with the rest of the planets, describes an epicycloid."

What strikes us most in this admission is that while the Doctor has every objection to urge against the proposition that the earth goes round the sun while turning round its axis, he seems to see no objection for the sun and other planets to move round the earth doing the same thing *i. e.* turning round their axes. Again while according to him there is every objection for the earth to move round the sun in a simple circular orbit, he has no objection for the sun and the planets to describe not simple circles, but circles over circles in moving round the earth, and this is what he calls the *most essential* theory in Astronomy.

It is true that the laws of gravitation are founded upon an hypothesis, but this hypothesis is found to agree in the most remarkable degree with the

observed movements of the Heavenly bodies. The tides of the sea have been calculated and found to agree with observation. The Moon's motion in her orbit, with all the perturbations in her movements, have been calculated upon this theory, and found to agree with observation. The apparaent places of the planets, with their attractions upon one another, have been calculated, and found to agree with observation. The paths of the comets have been calculated upon this hypothesis, and found to agree with observation. Even the motions of double and triple stars have been accounted for on this hypothesis, and the calculations agree with observation. The whole Universe is found to obey this law of Gravitation, and yet Dr. Shoepfer finds fault with it, because some of his crude and erroneous deductions are not accounted for on this theory.

He says that the position assumed by our scientists, who consider the fixed stars as suns of the same nature like our own, and all other planets as bodies identical in substance with our earth, will be found to be without foundation; such a theory he thinks is irrational, because of the principles on which is based the determination of circumference and weights of the celestial bodies. He admits that the determination of their sizes are based on more correct principles.

He says that our scientists forget that the law which regulates the apparent dimunition in size of objects in proportion to their distance from the observer, does not affect luminous bodies; that the brighter the light of a body, the longer its bulk will remain unchanged in our sight, and as the sun-light is extremely bright, the bulk of the sun must therefore seem unchanged even at an extremely long distance, and that it is very possible that the sun in reality is but little bigger than it seems to us at a distance. He further adds that it is not only possible, but a great deal plausible, to accept the assumption that the laws which account for the size of an object diminishing with the distance, are applicable only to our own dense atmos-

phere, and are not operative in a medium so rare as that of the upper sphere.

Nothing can be more incoherent and unintelligible than the two statements made above by the Doctor. For in the first place we actually see the size of the sun diminish as its distance from the earth increases. This is a fact which is not manifest to the simple and unaided sight, but the sun and its disc have been measured by nice instruments from day to day, and the diminution of its size in exact proportion to the increase of its distance from the earth is a recognized fact depending on observation alone, having nothing to do with any theory in regard to light or darkness; and the measurement of its distance, depending upon rigorous Trigonometrical Formulae, must be accepted as absolute and demonstrated truth. It is, therefore, clear that the sun, ever so bright, is not yet at that distance which makes its apparent size unalterable; and the calculations of its size as well as mass (weight in Dr. Shoepfer's phraseology) are items derived from the effect of its attraction, observed on the tides of the sea and the motions of the moon and planets, which are all measurable, and thus these too are facts which can not be controverted.

But the Doctor's statement with regard to the diminution of size is the most amusing. He says that the laws which account for the dimunition of the size of an object with the increase of distance, are applicable only to our own dense atmosphere, and not operative in a medium so rare as that of the upper sphere. No one who had the least knowledge of geometry, would have ventured to make this assertion, that our atmosphere with its varying density and the refraction of the rays of light from their straight-forward direction into curved paths, would allow free play to this law of the diminution of size with the increase of distance, and not so the outer rare medium, in which the rays are not at all bent, or bent only in an inappreciable degree.

This love of paradox is not at all wonderful in a person who when the laws do not suit him, denies their existence in Foucault's pendulum-experiments, in the universal gravitation, in refraction, in micrometric and telescopic measurements, or questions the observed accuracy and simplicity of the current hypothesis. Only now and then he admits them, when they suit his purpose. Thus for instance he has no objection to urge against the Sun's and Moon's attraction acting on fluid masses, and producing tides in the sea, but he is perfectly silent on the point why no tides are observed in the atmosphere surrounding the earth, and actually denies the very existence of attraction on the solid matter of the earth; similarly he admits the law of the diminution of size according to the increase of distance in a ray-bending atmosphere which surrounds us, but denies its existence in the outer medium which is admittedly rarer than our atmosphere.

Dr. Shoepfer is surprized at the low density of the sun, it being only $\frac{1}{4}$ the density of our earth, but he does not say a word about the moon, which is much less dense than our earth. He strongly forgets that the volume of a body does not depend upon its mass, or the quantity of matter contained in it. Heat expands bodies and cold contracts them, and we all know that there must be enormous heat on the sun; what wonder is there then that that heat expands the matter of the sun's body and so its volume, and that consequently the density becomes lowered. Density has nothing to do with the *quantity* of matter in a body or its solid or liquid state. A piece of stone is solid, though it is not more than three times as dense as water, while mercury is liquid even though it is fourteen times denser than water.

We do not understand how it is that a person like Dr. Shoepfer who can express himself in good language, who appears to possess a great deal of information, and understands something of mathematics, is

yet unable to bring forward arguments which will not tell against himself. We think we have shown clearly in the foregoing observations the unsoundness of the Doctor's arguments. He is evidently unable to refute Foucault's experimental demonstration of the earth's revolution round its axis. He is similarly not able to prove that if the earth revolved no atmosphere could exist on its surface. He has failed to show that a ball free to turn round itself, if swung round, would always turn the same side towards the hand, and similarly he cannot maintain that if the earth turned round the sun, one half of it should always be in the day-light and the other half in darkness. He has failed to prove that the sun is at such a distance from the earth that any further decrease or increase in this distance would not produce any change in its size, and thus he cannot maintain that the quantity of matter in, and the sizes of, planetary bodies calculated from observations were wrong. He has not shown any reason why the sun and the planets *may* move round the earth and yet turn round their axis, while there is insuperable objection only for the earth turning round its axis when moving round the sun. He has not shown the advantages of Tycho Brahe's Epicycloidal system over that adopted at present, which is simple to understand, and easy to calculation, which demonstrates the universal potency of the laws of gravitation, and which is fully borne out by observed results.

In the heat of his argument the Doctor forgets himself so far as to deny the existence of those facts which direct observations have revealed tous. For instance he denies the revolution about its axis not only of the earth, but of the sun and other planets also, in spite of the fact that actual observation by the telescope reveals to us their motion on their axes. He denies the existence of an atmosphere surrounding any of the planets, though observation has shown that some of the planets, and certainly the sun, possess this appendage. He denies the beautiful law of Kepler,

though it is not based on any theory and is derivde from actual observation, viz that "The squares of the periodic times are proportional to the cubes of the distances from the sun."

To us it appears that all the arguments of the Docter turn upon one point, viz the motions of the Moon. The Doctor seems to think that because the Moon, (being the nearest body) turns round the earth, therefore the sun, the planets, and the whole celestial sphere should turn round the earth ; that because the Moon always shows the same face to us, therefore the Sun as well as the planets should do the same : that because there is no atmosphere on the Moon, therefore there should be none on the Sun and on other planets. To complete the Doctor's list, we think it is permissible for us to add that because the Moon is dense, and cold and opaque, therefore the Sun should also be more dense, cold and opaque, and the light and heat we receive from him should be regarded as optical delusions.

Here we shall end our dissertation in the very words of the Doctor "although it would be too easy a matter to point out a great many more contradictions on which rests" the Doctor's theory about the fixty of the earth, "still we can not help" referring to some queer statements of the Doctor at the end of his lecture.

He thinks that the form of the continents contradicts the theory of the rotation of the earth. We do not see any reason, and the Doctor has not shown any, why the outline of the continents should appear elongated in the direction from East to West, instead of their present configuration from North to South if the earth were rotating round its axis. He says that the width of their Northern edges arises from the North-polar attraction, and that of the points turned South, from the repulsive force of the South pole. We ask the reason why if the doctor admits the force of attraction in the North and repulsion in the South, he denies

its influence on the solid mass of our earth from the Sun and the Moon? Moreover does he believe that the continents are floating bodies, which obeying the laws of attraction and repulsion have turned their points towards the South and their broad ends towards the North, like a magnetic needle floating in a cup of mercury.

We shall here conclude, hoping that we have disposed of and refuted all the arguments that Dr. Shoepfer has brought forward to establish the fixity of the earth's position, and also to disprove some of his crude and faulty assertions in the face of observed facts.

"As yet then the Earth turns round its axis, turns round the Sun, receiving light life heat and active power from that luminary, and imparting them to the various moving and fixed bodies situated on its surface;" and he must be a bold and a great man indeed who would change all this and make the earth stand still.

CURRENT LITERATURE.

"A Hindu gentleman's reflections respecting the works of Swedenborg and the doctrines of the New Jerusalem Church" by R. B. Dadoba Pandurung is a very interesting publication, and in the present state of our religious movements its perusal cannot fail to be suggestive of most salutary instruction to the more thoughtfully disposed among us. R. B. Dadoba Pandurung deservedly occupies a foremost place in the ranks of thoughtful inquirers after religious truth, and the fact that his letter to the Swedenborgian or New Church has been published by that body in London is a great compliment. It is a great relief to us to find that, as the result of fifty year's study, Dadoba, though he reveres the Holy Bible, and has made Christianity the favourite study of his life, has failed to accept the current doctrines of the Christian religion as a satisfactory solution of the problems of life and death. To judge from his letter under review, there is not a single point among the cardinal doctrines of the Christian Churches to which Dadoba has been able to subscribe his unqualified adhesion; nay more, he has expressed his dissent from the philosophy and rationale of these doctrines with unmistakable freedom, and the general impression left on the reader's mind from the perusal of his letter is that both Dadoba and the Swedenborgian Church have more affinities and points of agreement with the philosophy and mysticism of the old Hindu religion than with Christianity as it is professed and taught in the present day.

We shall briefly enumerate the points of these affinities and divergences. (1) Dadoba admits without reserve that the doctrine of the Holy Trinity, i. e. of three persons in the Godhead, appears to him to be paradoxical, and the arguments usually advanced in its

support are characterized as mere cobwebs and stultiloquence. Dadoba would rather accept the Trayamurti of the Hindus as far more rational. The Swedenborgian solution of the question, namely that the father is the divine essence, the son is the personal manifestation of that essence, and the holy spirit is its sanctifying energy and influence, is a creed which Unitarians and Hindu theists may well subscribe, except that it is weak in the important point noticed by Dadoba that, by regarding the incarnate Christ as the only personal manifestation of the essence, it affects God's character in its infinity and omnipresence, and as the ruler not of the earth only, but of myriads of worlds besides. Dadoba's suggestion that Christ represents a personal manifestation of only a very small drop of the great unbounded ocean of the divine essence reconciles his views with the Hindu philosophy of incarnation. (2) On the question of the origin of evil, the creed taught by the Christians of the fall of Adam and Eve, and the consequences it has entailed upon mankind, appears monstrous and unjust to Dadoba, and the Swedenborgian solution that every man and woman are so many Adams and Eves, whose tempting serpent is their evil nature, which leads them astray in the false pride of knowledge and power, and the Eden tree of life is the growth of godliness, the union of the man in the Lord and the Lord in the man, is the present Hindu theistic account of the great mystery, and has its foundations deep in the old Hindu philosophy. (3) With regard to the eternity of future rewards and punishments, and the final day of judgment, both Dadoba and the Swedenborgians repudiate the ordinary Christian notions as inconsistent with the divine character, and they subscribe to the Hindu theory that the soul is judged immediately after its separation from the body, and is relegated to other worlds, corresponding with the Swargs, Patals, Naraks and Loks which Swedenborg professes to have seen in his visit to those parts in a state of absent or (Turiya) consciousness,

and where he found Heathens and Christians indiscriminately mixing with one another. (4). With regard to the doctrine of the resurrection, the Christian view that the resurrection is to be of the material body of flesh and bones is so puerile that Dadoba regards it as a wonder how people ever come to believe in it. Dadoba with good reason recommands Christians to accept the Hindu and also the Swedenborgian solution of this question, namely, that the Sukshama or Ling Deha survives the separation from the body, and suffices to give effect to the powers of the soul, being endowed with respiratory and heart functions of its own. (5) According to the Christians, the descent of the Lord on the day of Judgment is to be on earth. Dadoba thinks that the Hindu belief on this head accords with the Swedenborgian creed, that there is to be no descent on earth which will be all burnt up at the appointed time. The human souls after their escape from the bodily coil live in spiritual words, and each soul has its own day of Judgment, not once, but at repeated stages of its advance. (6). With regard to the doctrine of salvation through the sacrificial atonement made by Jesus Christ's passion on the cross, Dadoba regards the Christian view to be similarly irreconcilable with God's character and man's reason. Vicarious sacrifice can never atone for the sins of men. Each soul must offer its own sacrifice on the cross, must become a living sacrifice, holy and acceptable to God. This is the modern theistic and the old Hindu solution, and the Swedenborgians and a section of the Unitarians have alone among Christian countries recognized this great spiritual truth. We have said enough on this subject to convey a general idea of the contents of the letter under review. The reception which Dadoba's letter has received, as also the change which has come upon an important section of the American spiritualists who have learned to revere the mysteries of the old Hindu theosophics, are only a few among many signs that the Church of the

the future will find as in times past its congenial home in India, and that it will here receive its full nourishment, and learn to strike its roots deep, and spread its branches throughout the civilized world.

Report on the Administration of Indore for 1877-78.

The Administration Report of His Highness the Maharaja Holkar's territories is very modest in its proportions, and yet it omits nothing which the outside public desires to know. This is a great recommendation, and we trust that the reports of other states will deserve the same praise. The Indore Territory, measured by its population, is not half as large as that of Baroda, and this proportion is preserved in the revenue collections of the two states. The revenue of Indore is about 60 lacks including the Khasgi Department, while that of Baroda is nearly 125 lacks. A glance at the financial statements of the two administrations shows that the palace charges in the Indore Territory are proportionately far in excess of the resources of the state. The palace charges for 1877-78 are put down at six lacks, nearly a lack less than in the previous year. His Highness the Maharaja deserves great credit for this reduction, at the same time we note that, besides the six lacks allowed from the Indore Durbar Treasury, the separate Khasgi Department revenue collections of His Highness came to about $8\frac{1}{2}$ lacks, making up in all nearly $14\frac{1}{2}$ lacks of palace charges, which are only less by two lacks than the 16 lacks of palace expenditure shown by the Baroda accounts. It is true that the religious and charitable expenditure in Indore came up to one lack, whereas in Baroda this amount was nearly $4\frac{3}{4}$ lacks. Adding the two totals, we get an expenditure of $15\frac{1}{2}$ lacks at Indore as against $21\frac{1}{2}$ lacks in Baroda, which is still far in excess of the relative resources of the two states. This excess in the Khasgi or palace expenditure necessarily induces undue economy in the maintenance of the

Civil establishments, which represents an expenditure of about 6½ lacks at Indore as against an expenditure Baroda upon the Revenue, Judicial, and Huzar establishments. This disproportion is more strikingly of 16 lacks atmanifested in the other departments, especially in the Educational Department, which must be regarded as almost starved with its 38000 Rs. of expenditure at Indore, as against 180,000 Rs. at Baroda. The imperial expenditure on education in the Bombay Presidency upon a total land revenue of nearly 3 crores of Rs. was as high as 12 lacs in 1875-76, which yields a proportion of 4 per cent, while the Indore expenditure is just one per cent of the land revenue. We hope this point will engage the attention of H. H. the Maharaja of Indore and his able minister. As regards the Army and police expenditure, the Indore statement shows a total of 15 lacs against 42 lacs expended in Baroda under the same heads. Although these totals are certainly justified by the estimates of the Military expenditure of British India, yet it is to be remembered that the total of the regular forces maintained by the native states cannot bear comparison in efficiency or numbers with the army of British India. The military forces of the Baroda state consist of 3500 regulars of all arms, and about 7,000 of the irregular army, besides an equal number of the police establishment. We shall not object to these numbers if the forces were officered by scions of noble families trained under British or European discipline, and were maintained in a proper state of efficiency which they cannot be said to be in at present. The Public Works expenditure of the Indore Durbar contrasts favourably with that of Baroda, and the credit of this expenditure is heightened by the fact that H. Highness sanctioned an increase of nearly 1¼ lacks on account of the Famine Relief works set up by him for the emigrants into his territory. The large amount of nearly four lacks of Rupees of remissions sanctioned by H. Highness does also great honour to

the generosity of the Maharajah's disposition. The Civil Statistics of which full details are given in the report show a total of 6124 civil suits instituted, and 6400 suits decided during the year. Only 2250 applications for execution were received during the year, and 2305 applications were disposed of during the year. These figures show that the work of Civil Justice is still in a very rudimentary stage in the Indore Territory, or it may be that the spirit of litigation has not yet obtained such a mastery over the population as it has secured in British territory. For the figures given above hardly represent the work of a single district in this Presidency, we might almost say the work of a single Sub-Judge's Court in any Zillah. The most hopeful feature however in regard to the administration of justice in the Indore Territory is represented by the success of the experiment made to secure the assistance of juries or Panches in the disposal of civil and criminal cases. The success of this experiment is of the highest consequence to the whole of Britlsh India, and we can not but admire the courage and wisdom of H. H. the Maharaja and his ministers in freely associating the people in the noblest duties of government. We only wish that this same liberal spirit will be allowed to influence H. Highness in popularising the administration in other departments, and that the Chief of the state will as far as possible entrust the responsible charge of departments to the able ministers and officials at present in H. Highness's service. Of all the princes in India, H. H the Maharajah has deservedly won the reputation of being the most far-sighted and active ruler. He can therefore with every chance of success introduce the first principles of a constitutional Government by forming a Council of notables for legislative purposes, and a bureau of the chief officers, each with his recognized charge of separate departments, and all acting together under the Maharaja's and the chief Council's superintendence in giving shape to the policy of the state. To secure

such a success His Highness must forego the anxieties erroneously styled pleasures which are involved in personal rule, and confide more power to his ministers. The Indore state already receives nine lacks of Rs. as interest on its vast accumulation of savings, and this sum together with the large amount of the Khasgi Collections provides an ample margin for H. H's personal expenditure. The state can therefore well afford to lighten its heavy taxation which, as we estimate it, is nearly three times as much, taking the land tax alone, as that of the Bombay Presidency. The civil departments, which are almost starved out by the prevailing spirit of economy, stand in need of considerable additions to the sums allotted under these heads in the annual budgets. If these reforms can be even partially carried out, we make no doubt that the Indore state will become an example to all India, and the Maharaja will secure the credit of having outdistanced all the other British and Native administrations to an extent which cannot fail to secure for him the everlasting affection of his people.

The Famine Campaign in Southern India by Mr. W. Digby.

The two volumes of Mr. Digby's famine campaign contain a most useful summary of the struggle which the Government and the people of India had to wage against the distress caused by the famine in Southern and Western India during the last two years. The loss of life caused by the famine in the Bombay and Madras Presidencies and the Mysore Province has been variously estimated at from 30 to 60 lacs of people, including the deaths directly caused by the famine while the distress lasted, as also those which were the results of its after consequences. It cannot therefore be said that the Government and the people of India came out of the struggle with flying colours, though at the same time we freely confess that if the official and non-official expenditure for the relief of famine had been less, the loss of life would have easily been doubled or

trebled. It is no small gratification to have achieved even this qualified success against such an enemy. Mr. Digby's narrative portion of the official administration of famine will always be of permanent interest as a record for future guidance. The story is well written, and is entirely free from the defects which usually disfigure official documents by the assumption that the officials were immaculate in their perfect wisdom and omnipresent in their energy, and that if people died, they died because of their suicidal preference to be starved rather than deserve help from the officials. Mr. Digby has not spared his censure of official incompetence and meddlesomeness where censure was deserved. The conflict between the Delegate of the Government of India and the Madras Government and its advisers has been truthfully described, and the mischief which resulted from the experimental measures introduced by the Delegate on a grand scale without sufficient precaution and experience of results has been narrated with terrible fidelity. Mr. Digby has also not been sparing in his praise of the action taken by the non-official public, and we especially have to thank him for his cordial recognition of the efforts made by the Poona Sarvajanik Sabha from time to time in bringing to the notice of government the weak points of the relief administration in this Presidency. We commend to the reader's attentive study the pages of the Bombay narrative which are taken up with a description of the services rendered by the Sabha on this occasion (Vol 1 pages 259 to 265, pages 279 to 294, pages 333 and 345, pages 361 to 366, Vol 2 pages 14 and 25.) In our opinion the second Volume of Mr. Digby's work which is devoted to the description of the various forms of relief afforded by private charities is comparatively of greater interest than even the narrative portion of the first volume. The whole of the controversy with regard to the sufficiency of the one pound ration for famine labourers covers nearly 100 pages of this volume, and after

exhausting both sides of the question triumphantly establishes both on scientific and practical grounds the utter in-sufficiency of the low wage rate which Sir R. Temple, in spite of his official declarations made only two years ago in Bengal, lent his help to carry out under the pressure brought upon him by Sir John Strachey. The chapter on famine mortality is incomplete, because it does not embody the information since obtained from non-official sources of the many lacks of people who succombed to their fate from the after consequences of famine. No true estimate of this loss can be secured without a general census of the population of Southern and Western India, and it is to be hoped that the Famine Commission will insist upon the necessity of such a general census to enable them to judge for themselves how far the measures adopted by government succeeded in mitigating the mischief caused by such a widespread calamity. The Government of India in their Resolution upon Mr. Elliot's report on the Mysore famine admitted that the great mortality in that Province was directly due to the measures enforced with a view to economy. Mr. Digby's work will ever bear witness to the truth of this grim conclusion.

THE

QUARTERLY JOURNAL

OF THE

Poona Sarvajanik Sabha.

Vol. I.] [No. 4.

APRIL 1879.

UNDER THE AUTHORITY OF THE MANAGING COMMITTEE.

EDITED BY

S. H. CHIPLONKAR.

POONA:
PUBLISHED AT THE "DNYAN PRAKASH" PRESS.

Price Rs. 1-8-0

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A LETTER TO THE GOVERNMENT OF BOMBAY ON THE BOMBAY IRRIGATION BILL.

No. 52 of 1879.

SARVAJANIK SABHA ROOMS,
Fudtaray's Wada, Peit Sadashiv.
POONA, *24th February* 1879.

To

THE SECRETARY TO GOVERNMENT.
In the Legislative Council,
BOMBAY.

SIR,

We have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit for the consideration of the Honourable the President and Members of the Council for making laws and regulations the following observations in regard to the provisions of Bill No. 11 of 1878, entitled the "Bombay Irrigation Act," and to request that the same may be laid before the Members of the Select Committee, or if the Select Committee shall have already prepared and submitted its report, before the general Committee of the Council.

1. The Sabha fully appreciates the importance of the measure and feels disposed on behalf of the public to accord its full support to the Bill, so far as it strictly confines itself to the relations existing between the Government as representing the great supplier of water and those owners and cultivators of land who seek to benefit themselves by taking advantage of this supply. This limitation is imposed by the nature of the enactment, and it is of special importance to respect it in so far as the bill is intended to be a revenue measure, so as to preserve faithfully its character of a law imposing special taxation for special services rendered. The statement of objects and reasons sets forth that the bill is based upon the Northern India Canal and Drainage Act 8 of 1873 in which Provinces canals have been long in existence. On this side of India owing to the close proximity of the sources of the chief rivers and the smallness of their water supply, the Irrigation Department did not prominently occupy the attention of Government till within the last few years. The capital outlay in Gujerath and Deccan upon the construc-

tion of new works, even including those started during famine, and the improvement, extension, and restoration of old works does not exceed 1½ crore of rupees, while the annual revenue derived from these works barely exceeds a lac of rupees, which together with the indirect revenue due to higher assessment resulting from irrigation scarcely covers the working expenses of the Irrigation Department. It is more in view of the prospective expansion of the Department during the course of the next 6 or 7 years that the necessity of special legislation is a matter of urgent importance. The Sabha, however, submits that, after all the contemplated expansions have been carried out, the canal works in this Presidency will not have reached the scale of similar works in Northern India, either in respect of their magnitude, or in their capacity to yield an adequate revenue. The practical experience, therefore, derived by the Government of those provinces in regard to the requirements of such undertakings should not be lightly passed by in favour of any innovations which conflict with recognized principles of legislation.

2. These observations have a special reference to sections 45, 46, 47, of part VII, and section 49 of part VIII. These sections, the Sabha humbly submits, are opposed to the recongnized principles of all revenue laws, intended to levy payments for special services rendered, and they are also opposed to the results of the practical experience embodied in the legislation regulating the cannals in the North Western Provinces and the Punjab. It is in connection with these sections that the proposed law ceases to be one of special taxation and of benefit to the public at large. As it seeks, in the words of the bill, to enforce water rates upon the holders of land who are supposed to be benefitted by percolation and leakage, as also upon those who are supposed to be protected and insured against drought, although they do not seek or derive any benefit from the water supply, and as it also throws the burden of forced labour upon entire village communities for the maintenance and repair of such canals in emergent seasons, the Sabha submits that the legislature cannot without laying itself open to the charge of violating its solemn pledges claim the right of imposing any such rates and burdens as are contemplated by these sections. The Sabha takes its stand upon the recorded resolutions and proceedings of the Local Government during the last ten years, as also upon the expression of opinions deliberately made by the highest authorities in India and in England in connection with similar provisions in the Punjab Irrigation Act of 1871, which provisions were repealed when the present Act of 1873 was passed at the suggestion and recommendation of His Grace the Duke of Argyll, the then Secretary of State for India. The people of this Presidency have, therefore, a right to expect that the Honourable Members of the Legislative Council will not allow themselves to be influenced save by these considerations of principle and the opinions of the highest authorities.

3. We shall briefly refer to the acts of the Local Government which bear upon this question of principle.

(*a.*) The question was brought formally before the executive authorities of this Presidency in connection with the Hathmati canal in the Ahmedabad District. It was stated by the canal authorities, that, in addition to the area irrigated directly from the canal and for which water rates were paid, subsoil percolation enabled wheat to be grown on an area of 503 acres of land, which, previous to the construction of this canal had remained fallow during the rubby seasons, and in some cases garden crops in lieu of dry crops had been produced on land benefitted by this percolation. The Collector was asked whether under clause 1 Section 29 Bombay Act 1 of 1865 it would not be lawful to impose a cess or water rate under Section 26 of that Act. In reply the Collector of Ahmedabad stated that he did not consider it would be lawful, and that he was sure it would not be expedient to levy any rate for water obtained by leakage or percolation from the canal. He acknowledged that the water in question was an advantage not contemplated when the assessment was fixed, but he considered that it would be difficult to explain the position to the ryots. The current settlement in the Ahmedabad District would expire in 1886-87, when under the orders of Government the land assessment would be increased in consideration of the indirect as well as the direct advantages, accruing to the Ryots in consequence of the construction of the canals, at the time of the revised settlement as has been done in the case of other canals. Meanwhile the people must be allowed the gratuitous benefit they derived by the direct percolation. The Local Government acknowledged the force of these considerations and abandoned its proposal of levying the water rate.

(*b.*) The same question was raised in a different form in connection with the Khari Irrigation works in the Kaira Collectorate. In 1867 an attempt was made by the Revenue Officers to obtain from the owners of alienated lands in the Inam village of Govindpur payment for the improvements effected to the Khari Works. The principle on which the extra payment was demanded was, that the summary settlement quit-rent had been determined upon the original assessment of lands calculated before the improvement in the water works and was not affected by the new water rate, which was to be the full difference between the old and new assessments on account of water and was to be levied as a special public works contribution on lands, which, though not irrigable before, were subsequently irrigated by reason of the improvemnet of the works, or on lands which were before irrigated by water lift, but which subsequently, in consequence of the improvement, obtained their water without the labour involved in the lift. Suits were at once filed

against the Collector by the holders of the alienated lands, questioning the legality of these new rates, and the Local Government after consulting the Legal Remembrancer had to abandon the rates and remit the collections. The Legal Remembrancer remarked that in consequence of the settlement under Act 7 of 1863 Section 6 the settled lands were to be continued in perpetuity, subject only to a fixed annual payment to Government; that the Government claim was, therefore for ever limited to the above payment, and that under Section 25 of Act 1 of 1865 no addtional assessment could be levied upon such lands to a greater amount than was in accordance with previous practice or any law which might be hereafter enacted relating to such land. Although this precedent relates directly to alienated lands, yet the Sabha submits that during the term of the 30 years settlement, by force of the guarantee given under Section 23 of Act 1865, the Government has no power to impose an additional rate upon lands, paying revenue to Government, for indirect benefits conferred upon them by percolation and leakage.

(*c*.) The same question came up before Government in connection with the Palkher canal in the Nasik district. The land revenue of some of the villages under command of this canal was resettled in 1874, and Government in the revenue department took advantage of the occasion to apply the principle, they had determined upon, of increasing the land assessment on account of the advantages conferred by the new works of irrigation constructed during the period of the former settlement,—advantages which were not comprised in the water rate paid by the people who actually used the canal water for irrigation. This action of Government shows clearly that during the currency of the 30 years' term of the first or revised settlement it has never claimed or exercised a power of increasing the assessment for indirect benefits conferred by canal works.

(*d*). In respect of the Bhatawadi Tank in the Ahmednagger collectorate the same question came before Government in 1874 in a more pointed manner and was similarly disposed of. There was an old water course supplied from a small Nalla near the tail of the canal. The owner of the channel utilized this supply without any payment whatever. There were also some cases in which ryots had utilized the water issuing from the leakage of the tank. The Collector of Ahmednagger did not consider it would be legal to assess these indirect benefits during the currency of settlement, because Section 29 of the Act distinctly states that the guarantee applied to all but direct rates which it shall be lawful for Government to impose for the use of the water available in consequence of the construction, improvement or repair of canal works by

Government. The indirect benefits caused by leakage or percolation as well as the protection and insurance against drought, afforded by canal works, are covered by the guarantee and can only be assessed at the next revision of the assessment. This report of the Collector was approved of and acted upon by Government.

(*e*). In the case of the Mutha canal works it so happened that before the canal was opened the land revenue settlements of the Haveli and Bhimthadi Talookas were revised without any steps being taken to apply the principle, then recently recognised by Government, of enhancing the land asssment in consideration of the indirect benefits conferred by the cannal. The omission was discovered before the final guarantee was given to the resettlement rates in the Haveli Talooka, and both the Revenue Commissioner and the Settlement Commissioner proposed to withhold the guarantee pending the imposition of an extra rate upon the villages indirectly benefitted. The Government, however, did not consider that it would be expedient to alter the rates, which, it was understood, had already been made known to the cultivators. The irrigation officers represented that this course would deprive the canal of the credit due to it on this account for a period of 30 years, and suggested a reclassification under Section 30 of the Act. The Government, however, did not deem it expedient to adopt this suggestion and ordered that the fact that no increase of assessment for indirect benefits was made at the last revision be distinctly recorded for guidance at the next recurring revision. This action of the Government shows in the strongest light the binding character of the guarantee during the currency of the 30 years' settlement.

(*f*). In the case of the Boregaum Tank the Irrigation authorities before undertaking the irrigation of the work endeavoured to get the people to guarantee that they would utilize the water. The majority of the ryots at first refused to execute the guarantee agreements, and the Survey Commissioner to whom the matter was referred by the Collector stated that even at the revision settlement water rates could only be levied upon the area under irrigation, and that the rates could not be levied irrespective of the water being used or not.

(*g*.) In the case of the Ekruk tank in the Sholapoor District the omission noticed above in connection with the Mutha canal was repeated at the revision of the assessment of the Sholapoor Talooka, and it was admitted that no water rate for indirect benefits could be levied till the next revision.

(*h*.) In the case of the Gondoli canal it so happened, that two

plots of land assessed under the settlement at dry crop rates were benefitted by the overflow and deposit of silt and by percolation, the effect of which was to enable the ryots to grow garden crops instead of dry crops. The irrigation officers contended that these lands so benefitted should be charged with additional water rates. The owners too on the other hand contended that they were not liable to the additional rates, because they had not applied for the water nor had they had a direct use of it for irrigation. The canal revenue officers and the Revenue Commissioner took the ryots' view and contended that land rendered fit for garden cultivation, not by direct irrigation but by the indirect benefits derived from the overflow and percolation, should not be subjected to additional water rates. The Chief Engineer for irrigation concurred with the revenue officers but recommended that an additional cess might be imposed under Section 29. The Revenue Commissioner, however, was of opinion that it would not be legal to impose a special cess on these lands until the expiration of the period of the survey guarantee, and that Section 29 could not be construed as authorizing the levy of rates upon lands indirectly benefitted by percolation or overflow. The Government directed the irrigation officers not to include land which was not irrigated without consulting the Revenue authorities.

4. These eight instances selected from the irrigation revenue report of the Bombay Presidency show generally the principles upon which the local authorities of this Presidency have hitherto acted in dealing with cases, which come under Sections 45 to 48 of the present Bill, and afford a convincing proof that the contemplated levy of rates upon lands, indirectly benefitted by irrigation works, or supposed to be protected and insured against drought by such works, is opposed to the entire spirit of the Bombay revenue settlement and will be a violation of the most solemn pledges given by the Government to the owners of lands protected by the settlement. The flagrant inconsistency of the present proposal with the policy of Government for the last 40 years and more has,therefore,only to be pointed out to secure its condemnation at the hands of the legislature. The necessity felt by the irrigation officers of showing a return for the outlay upon these works should not be allowed to override the qualified rights of property in land guaranteed by Government. If the arguments now brought forward for justifying such a flagrant departure from established traditions are allowed to have any weight, they might have been urged with still better reason in favour of enhancing the assessment upon the villages benefitted by the construction of the great railway works. The benefits of a thorough line of railway passing through a district are no less real or direct, and the protection and insurance against the worst effects of famine are, if possible, more efficacious, than what could be set down to

the credit of irrigation works, and yet although the expenditure on railways was many times greater than the outlay on these works, and the returns were, if possible, still less commensurate with the outlay, it was never proposed or suggested that during the currency of the settlement Government should enhance its assessment on account of these benefits. The Sabha accordingly submits that the Honourable members of the Local Council will not sanction any such short-sighted and unjust changes in the law, as are now proposed, and that the levy of water rates will be strictly confined to those lands, the owners of which agree to utilize the supply of water from the canals.

5. The Sabha is aware that it might be urged in favour of the proposed levy of compulsory water rate, that the difficulties alluded to above were all due to the absence of special legislation, and that they would cease to exist when the present bill became law. It, therefore, becomes necessary to appeal to the experience of the other administrations. The bill is ostensibly based upon the Northern India Canal and Irrigation Act 8 of 1873. It is, however, to be noted that that Act distinctly negatives the levy of any such rates during the currency of settlement. Sections 37, 38, 39 of that Act provide for the levy of what are called owners' rates as distinguished from the occupiers' rates. These owners' rates correspond with the rates proposed to be levied under sections 45 to 48 of the present bill. Section 39 of the Act, however, lays down that no owners' rate shall be chargeable either on the owner or the occupier of the land during the currency of the 30 years' term of settlement. This distinct enactment leaves no ground for sanctioning the levy of rates except for the use of water directly supplied and utilized.

6. These sections of the Northern India Canal Act have a history of their own, a close study of which throws additional light upon the question at present in issue. The Northern India Canal Act 8 of 1873 repealed Act 30 of 1871. This old Act contained provisions which have served as the foundation of the corresponding sections in the present bill. These sections provided that at any time not less than five years (in the present bill this period is cut down to two) if the Local Government were satisfied that the owners of land irrigable by such canal had not made reasonable use (in the present bill the test substituted is of sufficient use to cover all charges), it might sanction the levy of special rate, if sufficient water could be supplied from the works when required, upon all cultivated but not irrigated lands, when the net value of the produce thereof would be increased by the irrigation to such an extent as to cover the charges, and leave a profit greater than what the owner would have realized otherwise. These protecting clauses find no place in the present bill, and the levy is extended not only to cultivated but culturable lands, and the expenses of working are made to include all charges properly debitable to the revenue accounts of the

works, including interest at 7 per cent upon the capital outlay during the many years taken up in the construction of the works. The provisions of the bill, therefore, are in every respect more disadvantageous to the ryots than the corresponding sections of the Punjab Act for the levy of compulsory rates. The Punjab bill was passed by the Supreme legislature in spite of the protest of Lord Napier of Magdala and Mr. Cockerell and other members. But when it went up to the Secretary of State, he disapproved of the measure chiefly on account of the sections providing for compulsory rates. The grounds of the Secretary of State's disapproval are stated fully in a previous despatch from the India Office dated 11th January 1870, in which His Grace the Duke of Argyll refused to sanction the draft of the Northern India Canal and Drainage bill 1869 upon which the Punjab bill was modelled. The 56th Section of this bill served as the foundation of the Sections 45 and 49 of the Punjab Act previously referred to. His Grace objected to this section on the ground, that the Government was not justified in shifting the burden and loss consequent on its costly and unsuccessful speculations from its own shoulders on to those of the cultivators, who had not been consulted before the works were undertaken, and whose unwillingness to use the water might arise from a perfectly intelligent desire to have their lands under dry crops instead of under wet ones. His Grace also further remarked that the public works expenditure, when so guaranteed, would, like all guaranteed expenditure, be prone to become excessive, and that to force irrigation on people, who had not been consulted about it, would be not unlikely to make that unpopular which would otherwise be regarded as a blessing. His Grace accordingly suggested a reconsideration of these sections, and as the result of this reconsideration the present Northern India Canal Act was introduced into the Council in the place of the abortive Northern India Canal Bill and the repealed Punjab Act. The compulsory clauses were removed, and in their place the present provisions regarding the owners' and occupiers' rates were introduced with the reservation that the owners' rates were not to be levied compulsorily during the currency of the settlement.

7. It will be seen from this brief resume, that not only is the proposal to levy compulsory rates opposed to the theory and practice of the Bombay settlement and the traditions of the revenue administration of this Presidency, but that similar proposals and enactments relating to Northern India and Punjab have been distinctly negatived by the highest authorities both in India and in England. Under these circumstances the Sabha confidently trusts, that the sections in the present bill, to which it objects, will not be sanctioned by the Local legislature, and that the proposed scheme of compulsory taxation will be abandoned, and that steps will be taken to substitute in its place the provision of the owners' and occupiers' rates with the reserva-

tion that no rates will be compulsorily levied during the currency of the old or new settlements.

8. The sections 49 and 50 relating to the levy of compulsory labour on the canals are also liable to similar, though not equally fatal, objections. The Sabha humbly submits that as the section now stands, it is too indefinite in its application and cannot fail in practice to be worked as an instrument of great oppression. The obstructions to the canal will generally occur in the rainy season, when the agricultural classes are busily engaged in their farming operations, and agricultural labour can be obtained with great difficulty. The section imposes the obligation of forced labour upon entire villages, which have the misfortune to be in the vicinity of the canal works, and the service will be indiscriminately exacted from all villagers, whether they individually derive any benefit from the work or not, and it proposes to pay them usual rates of wages. No limitations are imposed as to the number of labourers who may be so requisitioned for service from individual villages or owners of land in those villages, and the class of labourers from whom this work is to be exacted is not defined. These faults and objections go to the root of the matter, and the Sabha submits that section 49, as it stands, will have to be supplemented by more definite provisions modelled upon sections 63 to 66 of the Northern India Act. A definition of the class of people from whom labour may be required must be inserted in the act itself, and not left to be settled under rules made by the executive authorities under section 62. This service should be limited to the proprietors and cultivators of land of whom lists should be prepared beforehand, and in these lists care should be taken to limit the maximum number of labourers which such proprietors may be called upon to furnish, and they should be paid wages exceeding the usual rates of labour for the time being paid in the neighbourhood for similar works. With such modifications as these the proposal to levy compulsory labour might be worked safely if proper care be taken against all abuse and excess on the part of the Irrigation authorities.

9. Having thus briefly stated the objections which the Sabha entertains to those provisions in the bill, which appear to the Sabha to be radically defective or based on wrong principles, we shall next proceed to state some of the amendments which, in the opinion of the Sabha, appear to be desirable in particular sections of the bill to secure its proper and safe working.

Section 7. In this section it is provided that no compensation should be awarded for damages caused by deterioration of the climate or the soil. As far as the climate is concerned the position is correct enough, but the Sabha fails to see any justice in the refusal to allow damages for deterioration of the soil. It will frequently happen that owing to the vicinity of canal works and the accidents of overflow,

leakage &c., to which they are liable, many culturable lands will have to be thrown up, or at least their value will be deteriorated by no fault of their owners.

In the same section the maximum compensation is fixed at 12 times the amount of the diminution in annual profits. This amount should, in the opinion of the Sabha, be raised to 20 times the annual profits.

Section 8. The limitation for compensation claims is fixed at 6 months. This period is too short for the purpose of justice. In the opinion of the Sabha it should be extended to 3 years' period at least.

Section 9. The bill provides that the inquiry into compensation classing shall be in accordance with Sections 19 to 23 and Sections 26 to 36 of the Land Acquisition Act of 1870. In the corresponding section of the Northern India Canal Act it is provided that the inquiry shall take place in accordance with sections 9 to 12, 14, 15, 18, 23, 26, 40, 51, 57, 58, 59 of the Land Acquisition Act. The Sabha suggests that the section in the bill be enlarged so as to correspond with section 10 of the Northern India Act.

Section 10. The proviso in the latter part of the section is a novel one, and has nothing corresponding to it in Section 11 of the Northern India Act. The receipt of a part of the compensation money can never sufficiently indemnify the occupier of land, and his right to claim an abatement of rent should not be affected.

Section 12. The provision that compensation shall be due after three months' term must be modified. The money becomes due from the time when the claim is made.

Section 14. The word "adjacent" should be inserted after the word "such" in line 10 of the section, so as to limit the discretion of the canal officers and bring the section to accord with the Northern India Act.

Section 16. The power to take trees and other materials from the land is liable to abuse, and must be restricted. There is no similar provision in the Northern India Act which should be followed entirely.

Section 17 provides for reasonable notice. The term should be defined as in the Northern India Act, Section 14 by limiting it to 7 days. Section 19 requires to be supplemented by the addition of another para similar to the 2nd paragraph of Section 17 of the Northern India Act by which a distinct procedure is provided for enforcing the rights of villagers.

Sections 24 and 25 require to be amended in the spirit of the suggestions made above with regard to Sections 7 and 8 part 2 of the Bill.

Section 39 of the bill corresponds with section 39 of the Northern India Act. The discretion of the cannal officers under paragraph (a 1) should be subject to the previous sanction of Government as provided for in the Northern India Act. In para (a 2) the words

'proper' and 'customary' should be inserted before the word 'repair.' Paras (a 3 and 4) are novel provisions and are not found in the Northern India Act. They cannot fail to be oppressively used and must be omitted. In para B of the same section words "beyond the control of Government" must be supplemented by the words "owing to deficient rain-fall or untimely inundations." The provisions exempting Government from claims arising from interruptions caused by measures taken for regulating the proper flow of water or maintaining the established course of irrigation are too wide in their scope and nullify the object of the section. The remission of water rates will be poor compensation for the loss sustained. The persons so damaged should recover the money value of their labour in preparing and sowing the land, and the value of the seeds sown.

Sections 42, 43, and 44, correspond with sections 33, 34 and 35 of the Northern India Act. The charges which these sections impose are unreasonable, if not unjust, especially upon persons who have not derived benefit from the alleged waste of water and who cannot be proved to have caused the waste.

Section 45. There is nothing corresponding to it in the Northern India Act. It will be difficult to assess what is called an "equivalent advantage" in this section. The indirect advantage can never be equal to that of a direct supply, and the rate therefore should be lower than the direct irrigation rate. Moreover leakage and percolation do not stand on the same ground. Leakage is avoidable to an extent which percolation is not, and both should not therefore be treated on the same footing. A maximum limit of some kind should be inserted beyond which the canal officer should not be allowed to go in tracing the effect of percolation.

Section 46. As things at present stand, irrigation works can never pay the 6 or 7 per cent interest which is usually calculated in the Revenue account of such works. The cost of maintenance, that is, the working expenses of the canal should be the test of a sufficient return, and the period of experiment should be extended from 2 to 5 years after the canal is in full operation, and the compulsory charge should be imposed upon cultivated and not culturable lands. The word "irrigable" is not defined in this section. There are two kinds of irrigation, one by lift and the other by flow. Irrigable land should be defined as that to which irrigation by flow might extend. The uniform rate of 8 annas for all lands independent of their quality will also be a great injustice to the inferior lands.

Section 47 provides that the chargeable area shall not exceed three times that for which water is available during the Kharip season. This, however, is a bad season to choose, for it is the season of the early monsoon rains, when nearly every Nalla is overflowing with water. The test season should be the hot weather months from February to May.

If the word "irrigable" is to include the area irrigated by water lift, the rate should only be a quarter of that for irrigation by flow.

10. The objections based on principle to the sections 45 to 50 have been already mentioned. The Sabha trusts that the Local Legislature will not in this instance override the fixed principles of Legislation enunicated by the hightest authorities and observed for the last 40 years in this Presidency, and that nothing will be done to sap the foundations of that faith which the agricultural classes have learnt to repose in the plighted word of Government. We have &c.

SIVARAM HARI SATHE,
Secretary P. S. S.

S. H. CHIPLONKAR,
Editor & Manager,
P. S. S. Quarterly Journal

FAMINE NARRATIVES.

No. IV.

SARVAJANIK SABHA ROOMS,
Fudtaray's Wada, Peit Sadashiv.
POONA, *7th February* 1877.

To

THE CHIEF SECRETARY TO GOVERNMENT.
BOMBAY.

SIR,

In continuation of my former reports, I have the honour to submit for your information the 4th Famine Narrative, being an abstract of the letters received by the Sabha from its agents and correspondents from the Famine districts. As usual, I venture to submit a few observations suggested by the Narrative and trust that they will meet with the best consideration of Government.

2. Since the submission of my last report there has been a decided change for the worse in the severity of the famine, and, what is more unfortunate still, there has been a similar change in the policy adopted by Government to cope with the famine. Under the stress of official pressure from above, His Excellency the Governor in Council has most unfortunately determined to surrender his own better judgment, and has sanctioned most retrogade measures which will not fail before long to aggravate beyond sufference the misery of the unfortunate districts affected by the famine. In a crisis like the present, when the lives of more than 50 lakhs of Her Majesty's subjects are entrusted to the provident care of Government, it is a part of the responsibilities which attach to such a trust that His Excellency the Governor in Council should stand firm in his resolution to adhere to the distinctive features of the famine policy elaborated and worked out with such success during the last four months, and to resist the pressure that might be brought to bear from the Supreme authorities, who, by reason of the distress caused by the famine, cannot be expected to realize the full significance of the change of measures ordered by them. The evils of divided power and responsibility and of imperfect decentralization were never realized so fully as in connection with the present famine. The Supreme Government has, with a change in the *personnel* of those who constitute the

Executive Council, changed its famine policy, and in opposition to the express wishes of Her Most Gracious Majesty the Queen of England and the British Parliament, that no efforts should be spared to mitigate the sufferings of the famine-stricken people, have resolved to limit their duty to the extent of the resources at their command, and have even enunciated that they are not under any obligation to preserve at all costs the lives of Her Majesty's subjects in such a crisis, and that they deem it to be equitable to make each Presidency bear the charge of its famine relief. In addition to this change of policy, the Supreme Government has issued inconsistent orders, complimenting and censuring the local authorities simultaneously for the success and failure of the same set of measures, prohibiting at first, in the teeth of their own resolutions passed only two years ago, the undertakings of large relief works, and subsequently finding fault with the subordinate Governments for confining themselves too exclusively to small works, and incurring needless and unprofitable waste. The people of this Presidency feel that they have a right to the same liberal treatment, and the same assurance of support that the more favoured Eastern Provinces received when suffering from a similar calamity three years ago, and they naturally look up to the Local Government to uphold their claims in this crisis, feeling sure that the change of policy of the higher authorities will not meet with countenance from the Parliament and the public of England. To some extent His Excellency the Governor in Council has not failed to run the risk of disobeying the orders issued on imperfect information in the well-assured confidence that its action will be vindicated and approved in the light of subsequent events. It is earnestly hoped that this noble determination will be carried out in all other matters, and that the catastrophe which the faithful carrying out of the orders received from Calcutta will not fail to precipitate, will be avoided in time.

3. At present the subject which causes the greatest anxiety to those who are not actually employed on the relief works is the change of policy with regard to the remissions of revenue. It appears from the published resolutions of Government that it contemplated the necessity of remitting fifty lakhs of revenue this year, but that upon the suggestion of the Famine Commissioner it has changed its mind and resolved that no revenue is to be kept in abeyance this year, and that no remissions are to be allowed. The subject was pressed by me upon your attention in my last two reports, and General Kennedy, in reply, stated that the matter was under consideration, and would be dealt with when the proper time arrived. That time, I now humbly submit, has arrived and the applications to the Sabha to secure timely remissions have been both frequent and importunate, not only from Sholapoor and Kaladgee and other famine districts, but from other districts which are not seriously suffering from the famine, such as Sinar in the Nassik district,

and Junar in the Poona District, and Khandeish. The late hailstorms and rain in the Khandeish Collectorate has destroyed the little prospect of the late crops that were expected in that district. It will be felt as real hardship that Government is not disposed to carry out its own resolutions in regard to the promises of remissions. The poor people were led to suppose that where the crops had wholly failed, as in Sholapoor, no revenue would be demanded this year. About a month ago the Collector of Sholapoor issued a notification advising people not to leave their homes, and encouraging those who had left to return to their homes by promising that works would be found for them and that remissions would be granted. Many hundreds of people assured by these promises stayed in, or returned to, their native villages, and have tried hard to maintain themselves on their own resources. These people are now, to their utter dismay, called upon to pay the full demand. The usage of the country, sanctioned by Government, always allows remissions in case of utter failure of crops. During the last four or five years there have been many partial failures of crops, and on all these occasions Government granted large remissions. In the midst of a famine crisis any action of Government which disables people from maintaining themselves on their own resources is highly mischievous in its direct and indirect effects. In the great North-Western Provinces famine, the authorities laid it down as a first principle that the timely granting of remissions, that is granting them in anticipation and not after every rupee that could be extracted, has been wrung from the people, and there is nothing more left to be got out of them—is the most approved form of giving relief to a famine district. It prevents emigration and encourages early return. Under any circumstances large remissions have to be made, and deferring them only distresses people without benefitting Government. It can never certainly be the interest of Government to drive away all persons who, in famine times, are prepared to expend all their resources to maintain themselves and their families without coming to the relief works. The neighbouring Nizam's Government and many of the smaller native States have granted remissions most liberally to their own ryots, and have encouraged British emigrants to settle in their own territories. The recent change of policy in the matter of remissions is, therefore, deprecated on all hands, and the Sabha has ventured to press this appeal a third time upon the notice of Government, and they pray that if the instructions of the Supreme Government are too stringent to be evaded, that Government will be pleased, while postponing the consideration of the question of remissions, to order an instant abeyance of the demand of the whole revenue in all those districts where the crops have totally failed, and of half the revenue where the failure has been not so thorough, and people have gathered eight anna crops. In accordance with the resolution issued by Government in November last, upon the report of the Nasik Col-

lector they further pray that the question of exemption or no exemption should be made to depend upon the partial or total failure of the crops and not upon the reported means of each individual holder.

4. Next to the question of remissions the recent action of Government in reducing the scale of wages on Civil Agency works, and in excluding all persons who were thought to be not in extreme want, has caused the greatest distress in the famine districts. When it is remembered that more than two thirds of the labourers are employed on Civil Agency works, it will be plain that the recent reduction of wages affects the larger majority of these poor people. The Government resolution sanctioning this reduction states it to be a matter of fact ascertained from experience that a pound of food suffices for the maintenance of a Civil Agency labourer. The Sabha humbly submits that a pound of food does not and cannot suffice for this purpose. The national standard of wages given to semi-slave dependents, the worst class of labourers, is 2 lbs. a day. This is the measure which is absolutely necessary to support human life on the wretched scale in use among the lowest classes, and to force it down lower still will be simply to court death in thousands by the slow torture of starvation. A felon convicted of the worst crimes gets on an average two pounds, and it is really surprising how the officers engaged in the relief works should have brought themselves to recommend to Government such a reduction of wages. It should be remembered that the same harsh policy which reduced the wages drove away the smaller children from the works, who till then had been receiving their small dole in return for their nominal labour. These children though cast out by Government will have a prior claim upon the affections of their parents, and many hundreds of poor fathers and mothers will stint themselves out of the pound allowed to support their children. Such a stinting of food will hardly enable the labourers to work at their task, which is fixed at 50 per cent. of the ordinary quantities of work done in good seasons by able-bodied labourers. The weight of all these afflictions will press heavily upon the people in the worst season of the famine and the increasing number of the reported choleric deaths is only a forerunner of the coming desolation. The argument that relief works were rendered more attractive by the old rate of wages, and drew people who would otherwise not have availed themselves of them, has certainly no force in this Presidency. The increase in the numbers of labourers has been so gradual and so natural, and is so much within the expectations of Government officers that it furnishes of itself a complete answer to this false suggestion. Furthermore the labourers on the relief works have no shelter by day or night, and sleep in pits dug in the ground, exposed to the weather, and many have not a rag to cover them. The very sight of them will satisfy any one that it is sheer want that drives them to the work. The fact that famine was relieved on a most extravagant scale in Bengal, and that it is

being mismanaged in Madras furnishes no justification why the cautious measures deliberately adopted in this Presidency should be overturned, and the confidence of the public in the beneficent policy of Government so completely shaken. The old rate of wages with the system of sliding scale promulgated last month secured all the necessary guarantees for a judicious expenditure of public money. If the Civil Agency works had been gradually closed, and the labourers employed on it transferred to the larger public works, where the old rates have been retained, Government would have achieved its purpose without any dislocation of its organised machinery. The Sabha accordingly prays that this resolution may be reconsidered and the old rate of wages restored.

5. Sir Richard Temple, the Famine Commissioner, has, in his several reports, guarded himself most cautiously from giving countenance to this new policy till the necessary steps were taken to organize house-to-house and village-to-village visitation. No such organization has been yet set up, and it is not likely that any will be set up, because Government have in their resolution of the 26th ultimo reserved their old orders on the subject, and directed their officers to refuse support to those who leave the works. It is hardly necessary to say that this order will be worked out in the most indifferent spirit. Already the reduction of wages has compelled 8,000 people to give up works at Sholapoor, and to crowd the Collector's office with piteous appeal for help. Similar results may be expected on all the other relief works, unless the old rates of wages are resumed. These poor people can hardly be charged with making any extravagant demand if they ask during these hot months the wages that have been hitherto paid to them. It is to be borne in mind that these poor people pay out of their labour and earnings more than one-half of the entire revenues of the country. They pay the land tax, the excise duties, the salt tax, a portion of the customs revenue, more than half the stamp revenue, the local cess and the tolls, and yet when a bad year comes upon them they are told either to work on wages which starve them of half their food, or they are allowed to die, and the officers of Government are prohibited from rendering them any help. This is a cruel commentary upon the new policy announced by the Supreme Government, and it is to be hoped that it will never be allowed to work its mischief even for a short time. The inability of Government to give employment to all people on the large public works ought to make no difference in the wages paid. If this difference is to be kept up, it must be preceded with instructions directing relief officers to see that those who leave the works are supported out of the "charity" contribution of Government and the private relief committees. Under any circumstances the Sabha submits that His Excellency the Governor in Council has put too hard a strain upon the instructions issued to Sir Richard Temple by the Supreme Government. No man absolutely starves himself, and

it is a false position for a Government to assume that any portion of the long suffering and law-abiding people of this Presidency will, in order to spite Government, absolutely prefer to die. If large numbers abandon the relief works and return to their villages, or to the larger towns, it may be presumed that they do so from sheer inability to continue working on the starvation wages. These people must be provided for, and their lives preserved at all cost. The Sabha submits accordingly that the Government will be pleased to cancel its resolution of the 26th January, and direct its district officers to take care as before of these poor people.

6. The exclusion from the relief works of land-holding ryots and persons supposed to be well able to borrow money to maintain themselves through the famine is also a measure conceived in the same spirit of indifference and want of sympathy with the poor people of these districts. It is accepted on all hands that the famine is caused not so much by the failure of crops (for this failure has been made up by the importation of grain,) but by the dearth of employment which that failure implies. The policy of Government has, by leaving no room for any middle class of landlords, arrogated to itself the monopoly of all employment. This is more especially the case in its character as a sole landlord of the country. All the classes who have been thrown out of employment are its direct tenants, and in finding out employment on relief works for these people, Government is simply discharging its fundamental duty, a duty which many private inamdars of villages are more effectively discharging along with it by advancing *Taggai* or loans, and finding grazing fields for village cattle in their own *Koorans* free of charge, and feeding the more necessitous on their own private resources. It may be otherwise in Eastern and Northern India with their permanently settled systems of zemindars and middle-men. In this Presidency Government realizes in good years the whole of the margin of profits and rents by its rack-renting settlement. It is, therefore, its duty to support the tenantry on its estates through bad time, and cannot in its own interest require these people to ruin themselves for ever by using the whole of their credit in a bad year. It is, therefore, not reasonable to expect that the registered holders of survey numbers and those others who have small savings should mortgage their lands and pledge their ornaments to maintain themselves as long as they are prepared to work for their wages. It may be otherwise if they call upon Government to maintain them without rendering any work in return. Furthermore, it is hardly necessary to state that the lands of the registered holders are already deeply involved in debt, and their ornaments are most of them hollow and worthless imitations of silver. The notorious indebtedness of the agricultural classes is a fact which needs no argument. Under all these circumstances excluding these poor people from Government

works is simply drawing them to despair, a teaching them the dangerous lesson that if they commit felony they will be better cared for than if they remain honest and work for their wages. When, lastly, it is borne in mind that the task of distinguishing those who are supposed to be well-to-do from those who are needy, will necessarily devolve upon inferior officials in ignorance of the condition of the persons, the work of exclusion cannot fail to be very capriciously and indifferently done. The kulkarnees, who are the direct agents in villages, and who are themselves poor but cunning enough to make capital out of their duties, do include those who do not gratify them because the cultivators have no means in the class of well-to-do-tenants. The distinction therefore, is fraught with great mischief. For all these reasons the Sabha submits that no such distinction should be made, and that it should be presumed from the fact of a man's working away from his home and on starvation wages that he is really in want and does not feign poverty.

7. In the same connection I deem it a proper place to notice that the reports of the Sanitary Commissioner as to the remarkably good health of the labourers employed on the works do not correspond with the accounts received by the Sabha from its agents and the results of the personal inspection of some of the neighbouring works, made by the members of the Sabha. Nearly two-thirds of the people employed on the larger works have no shelter and sleep in pits, and only enjoy one meal after working a whole day. Many of them have nothing but rags to cover them from heat or cold. That such people should be doing well in health is an impress which must not be received without strong confirmation. The information contained in the season reports shows that cholera is rife among the labourers in the Southern Districts, and is carrying away hundreds every week. It is a peculiar feature of this year's outbreak that it is not epidemic, being chiefly confined to the people on the works. The popular impression is that these people die not from cholera but from diarrhœa produced by bad food and exposure. At any rate the personal inspection made by the members of the Sabha has impressed upon their minds a very unfavourable view of the health of the labourers, and they apprehend that as the hot season comes on, and water becomes scarce, and outdoor work more fatiguing, many hundreds will succumb to the death which slow starvation is preparing for them under the stimulus of reduced wages.

8. In view of the expressed gravity of the distress it is not a matter of satisfaction that the large sums allowed by Government for charitable help should not have been hitherto used up except in very insignificant portions by the district officers. It cannot be supposed for a moment that when private charity has found room for its lakhs, the officers of Government should have found it impossible to supple-

ment it with their hundreds. Till within the last few weeks only Rs. 5,000 had been spent by all the nine Collectors on this head, when the total private expenditure had been one lakh. Even now nearly three lakhs have been spent by private charity, while Government officers have expended only Rs. 17,000, out of the two lakhs allowed to them. If a public meeting, properly presided over, had been held in Bombay two months ago in aid of famine relief, it would have largely stimulated the charity of the European and native public, and would have served to move the public of England to contribute to the famine funds in the spirit in which India contributed to the Lancashire relief fund, and England and the rest of India responded to the cry for help from Bengal three years ago. Now that the Delhi festivities have closed, and the hot season is approaching, and Government is in possession of all the facts regarding the famine, the Sabha hopes that energetic steps will be taken to organize the charitable relief all over the country and to raise the necessary funds in India and in England, without which help it is but too likely that private relief committees will be found to be entirely powerless for good. I also beg to suggest in this connection that Government will be pleased to redistribute the unexpended portion of the two lakhs allowed by it for charitable relief, and that the money will not be entrusted into the hands of individual officers, but into the hands of District Committees presided over by these officers.

9. As regards the question of migration, the Sabha regrets to find that no steps are likely to be taken to co-operate with the wishes of the authorities in the Central Provinces in this connection. The Sabha placed itself in communication with His Honour the Chief Commissioner, and have ascertained from him that he is not anxious to have famine-stricken people as settlers of the waste lands, and further he thinks that the district is more fitted for colonization by the people from Northern India than from the Western Presidency. The Churva jungle itself, from the description given of it by Mr. Elliot, does not appear to be a well favoured region suited for colonists with such little enterprise and wealth as the people of the Dekkan possess. Under these circumstances it is not likely that Government will encourage emigration from these parts, and it becomes the more necessary to take steps to colonize the waste lands in the Nizam's border territories, and the waste land in Khandeish near the Satpuda range and in Nimar.

In conclusion I am directed to request that you will submit the foregoing observations and the accompanying Narrative before His Excellency the Governor in Council for their most favourable consideration.—I have, &c.,

SHIVARAM HARI SATHE,
Secretary P. S. S.

PRECIS ACCOMPANYING THE FOURTH NARRATIVE.

BOREE,—Taluka Indapore, *23rd Dec.* 1876.

The warning to grain-dealers circulated. The Gujars and Maravadis can not be moved. People bless the Government for giving them relief by opening works and maintaining the infirm. Relief works—prickly pear clearance at Kasurree, 800 people employed, road works at Uddhat, 100 people on the works, wages anna 1½ 1, ½; no corn is given money; Jwari 8-9 seers. Great scarcity of water. Well works commenced. A new road from this village to Diksal should be prepared.

DALAJA,—Taluka Indapore, *9th Jan.* 1877.

No want of corn. The warning to grain-dealers circulated. Jwari 9-11 seers. great hardship through cold and exposure to work people. The wages barely sufficient for food. Great want of clothing. Many people sick through cold and exposure.

BOREE,—Taluka Indapore, *21st Jan.* 1877.

Jwari 8-9 seers. New rates insufficient,

Annas 1—Pies 11 for a male.
1— 5 for a female. } Quite insufficient.
11 for a child.

The Mamaledar tried his best not to introduce these at least on works which are away from market places but he was baffled in his attempts. Food can be had some how but great want of clothing. A road from Diksal to the Nira very useful.

BARAMATEE, *14th January* 1877.

The warning to grain-dealers circulated. Three deaths through bad food. A new road opened through the Local Funds. The infirm are maintained by Government. Remissions expected for Jirayat lands and not for Bagayats. The people bless the Government for the prompt assistance by open works and the Sabha for its prompt action.

KARMALE, *13th January* 1877.

The copies of the answer to the Sabha to its second narrative received and distributed. Many deaths from Cholera. Deaths in 1875 September 374, October 231 and November (not received) in 1876 during the same months 371, 281 and 199 respectively. Altogether 9000 people employed in the Taluka. Wages paid in money and not in corn. Rate of wages obtained to-day, male 2 annas, feamle 1 anna 6 pies and child 1 anna, infants 9 pies. Jwari 6½ seers (a seer weighing 140 rupees) wages in corn not necessary; 15 or 16 deaths roported from the commencement of works. No heads of cattle taken away according to Govern-

ment Resolution, on account of want of pasture grounds. The infirm are supplied corn by Government; about 500 Rs. are collected by a Committe for the same purpose by the people here and 1000 Rs. have been sent by the Collector from the Relief Funds. But the whole money is nearly exhausted and the infirm are increasing day by day, the present number supported by this Committee is 400 who receive government corn in the morning and bread from this Committee in the evening. Revenue Collections are made in February. Remission expected and absoultely necessary.

KARMALE *29th January* 1877.

GOVERNMENT ORDER,—Labourers belonging to this village should be employed in a distant place. Every labourer should be required to work as much as a stout man is expected to do. Every male labourer is allowed corn weighing. 40 Rs. and two pice, a female the same quantity of corn and one pice, children of 7 year half the quantity of corn and one pice. Quite insufficient for the mere maintenance. At least corn weighing 140 Rs. apsolutely necessary for an adult person. People will starve by this rate and death will be the consequence. Children below 7 years are allowed only one pice and no corn. This is no relief at all. Labourers who from their dress seem well-to-do are those who can get debt and are not to be employed. First instalment to be recovered indiscriminately. People do not know what to do under the present circumstances. Remission quite necessary, Government should be moved to allow it. Money lenders have suffered great deal and are still suffering.

JINTI,—Taluka Karmale, *26th Dec.* 1876.

The Government warning to grain dealers circulated. Many deaths from Baleghaut. About 11000 people employed on tank works. No want of corn in the market. Jwari 7-7½ seers. The infirm are maintained by Government. No crops, but well-to-do people are required to pay assessment. In September, October, November 1875, 5 deaths, in the same months in 1876, deaths 24.

PANGARI,—Barsee Taluka, *25th Dec.*

7000 people employed on the works labourers paid weekly. Jwari 6 seers. Great scarcity of water. More labourers entered on the works every day.

PANGARI, *8th January.*

Of the 14 villages in the neighbourhood that I have seen only Malegava and Panagava have 6 anna crops. Great scarcity of water. 8500 people employed on the works. Great hardship feared through the scarcity of water. The Government Resolution to take the full assessment. Importation of corn in abundance.

JAVALGAVA,—Taluka Barsee, 28*th Dec.* 1876.

Remission is not being allowed. In 1871/72 there was difference of Rabi crops in Madhe and Karmale Talukas,and Government had kindly allowed remission of ¼ of the assessment, ¼ of it was held in abeyance and only half of the assessment was recovered. Remission was then given without any distinction and therefore there must be a total remission this year as there has been almost total failure of crops. In addition to the failure of crops there is also a great scarcity of fodder and therefore the present distress has had no equal. Government should, therefore, be earnestly requested to allow remissions. It is very difficult to distinguish between well-to-do and non-well-to-do people and great injustice is feared.

MOUJE HOTEJA,—Taluka Barsee, 28*th Dec.* 1876.

The same as Javalgava.

PANGARI, 18*th January* 1877.

The following rates lately sanctioned by Government for people employed on the roads—adult male-one anna nine pies, female 1 anna 3 three pies,—boy or girl 11 pies and infants 3 pies; many have been dismissed. There are only about 2500 left on the works. Jwari 7 seers but will shortly be raised to 8; good showers on the 17th, good water supply all around in consequence. Today also the sky is cloudy and some more rainfall expected, people fear some injury to the crops on the Ghauts from this. Below the Ghauts a good water supply only.

TEMBURNI, 1*st February* 1877.

Great depression prevails on account of the Government Resolution to recover the first instalment without any exception. New Rates on Civil Works annas 1¼ and 1 quite insufficient. Two anna rates even were not enough for mere food. Government seems to throw people into the jaws of famine. Many people are dismissed and are being dismissed every day. Cholera prevailing in some places on account of the cheap but bad corn which they are compelled on account of wants of means to buy better and dear one.

KASEGAVA,—Taluka Pandharpore, 12*th Jan.* 1877.

The report of the order of the Collector not to allow remission has driven the agricultural classes to utter despair. They had put up with their indebtedness, with the loss of their cattle, their chattel and everything; besides this measure of not allowing remission is looked upon as a great injustice. People blessed the Collector heartily for all the measures he took for the distressed. Many have abandoned and many more will do so on account of the present order.

MOHOLA, *5th January* 1877.

The warning to corn-dealers duly circulated. No deaths from actual starvation but a few from cholera and dysentry. Mr. Vasudevs Ballal, the special relief Mamaledar endeavouring to give relief to all who want it. About 12 tank works in execution; 50000 Rs. sanctioned for them. Many wells are being dug besides, all these under the Relief Mamaledar. Road repairs in execution besides from the P. W. D. Wheat 5½ seers, Gram 6½ to 7, Jwari 5½ to 6. Higher rates apprehended. Many cattle sold to butchers, 1400 infirms in the Madhe Taluka supported by the Mamaledar from the Relief funds. Revenue Collections made in February. The Collector and other local officers try for remission which is absolutely necessary but not expected.

MOHOLA, *17th Jan.* 1877.

Importation of corn abundant. 14000 people employed. The Relief Mamaledar is to be blessed for his great trouble to relieve. Jwari in January 6 seers, cattle all removed. The infirm maintained by Government. Remission is not yet sanctioned. The distress will be heavier if no remission allowed. Government have asked information as to the number of rich people that cause their field to be sown. Well-to-do people not to be allowed any remission inspite of the failure of their fields. The term well-to-do very indefinite. Remission quite necessary under the present circumstances. Government should be moved to allow it.

MOHOLA,—Taluka Madhe, *27th Jan.* 1877.

Well-to-do people are required to pay the full assessment. The Collector directs the payment of the first instalment by order of Government. Large works, except the tank at Yavati almost stopped. Cholera and other deseases prevalent at Yavati and people abandoning the works. The people unable to pay the assessment, remission indispensible. Someare directed to pay half the assessment but they are not in a position to pay that too. Remission quite necessary at least for the present year when there is a total absence of crops on the whole.

ANAGAR,—Taluka Madhe, *27th Jan.* 1876.

Total failure of crops and want of rain had induced people to abandon their villages this year but they were disuaded from doing so by the Collector of Sholapore. And it is a sheer injustice that Government should ask us to pay the assessment under these hard circumstances. People are at their wit's end at the recent order of the Collector to allow no remissirn and to recover the full assessment.

MOUJE KUBHEJA,—Taluka Madhe, *30th Jan.* 1877.

The distress has been aggravated on account of the recent order by the Collector to recover the first instalment. The authorities had pro-

mised remission to people when they were about to leave their homes and inspite of that this order is given. People are quite at a loss what to do now.

MOUJE YAVATI,—Taluka Madhe, 31*st Jan.* 1877.

People were induced not to abandon when famine came on. They are now greatly afflicted by the famine and they are asked to pay the revenue instalment. Nothing can equal this tyranny. Government should be moved to allow remission.

PATHAKULE,—Taluka Madhe 4*th Jan.* 1877.

The Government warning to corn-dealers duly circulated. Works at Mauje Dhoka Babhulgava 1000 people, at Thoja Babhulgava 25000 at Panur, a mile from hence 2500. Arrangements for the work people pretty fair. About 15 deaths on the first two works. Almost no cattle left in this neighbourhood. The mamledar has asked Government to give remission on account of the failure of crops. Government have abandoned the plan of sinking a tank here of which there was a great want. Government should be moved to undertake this work. Great difficulty will be removed if this be done.

MOUJE BADE,—Taluka Sholapore 29*th Jan.* 1877.

Inspite of the total failure of crops and great famine Government resolves to recover assessment indiscriminately. The agricultural classes have a notoriety for their indebtedness and this will certainly be increased. No corn in store with agricultural classes as is falsely believed. The new assessments had already impoverished people and this famine has added to their distress. Government should be asked to give remission to save people from the jaws of death and distress.

SHOLAPORE,—30*th Jan.* 1877.

Great depression and glominess on account Mr. Grant's transference. 8000 people thrown out of employ for four or five days through want of work. The new rates sanctioned by Government quite indequate. People starve or are half famished, 700 people have hemmed the Collector's compound for want of employment. The town people telegraphed Government for cancelling the Collector's transference. Hot season has commenced. The horrid aspects of famine soon acticipated.

ALE,—Taluka Junnar, 12*th Jan.* 1877.

Remission sought for not expected. Great failure of crops and therefore remission necessary. The first instalment recovery commenced. 4 to 6 anna crops in some places which supported the people nearly up to this time. Rabi sown but burnt. Many of the water wells dried up. Some relief works should be opened in this Taluka and Tagai given. Great distress is anticipated. The mamledar and the

special extra Deputy Collector totally connive at the state of the people.

JUNNAR,—*8th Jan.* 1877.

Many deaths at Mouje Godie through starvation or sickness consequent upon starvation. No relief works opened yet. Some tanks and other water works contemplated. No great want of grass or pasture. The first instalment is being recovered. Even 8 anna crops assessed at the usual rate. No remission given. Khareep and Rabi crops only 8 anna. No distress at present but great distress anticipated in future.

TASGAVA,—*13th Jan.* 1877.

Not even 4 anna crops this year. The first instalment commenced from 16th January inspite of this. Failure of crops, want of fodder, high prices of corn, selling of chattles for subsistence, want of repayment from the borrowing people are the five great difficulties or distresses. Government should allow remission this year. If this can not be done, at least the collections should be held in abeyance.

BAGALKOTA,—*9th Jan.* 1877.

Great depression on account of Government Resolution to recover the first instalment, contrary to the promise held out that remission will be given if people do not abandon their villages. In the Nizam's dominions Tagai is given. The people that have gone into the Nizam's dominions are taken great care of by that state. People are quite bewildered and apprehend great distress. The water works at Madganja should be at once commenced. It will give great relief. Tagai necessary. Remission indispensible.

UKSANA,—*21st Dec.* 1876.

The Kolees, Kataries and Shepherds make the water turbid on account of some bad leaves which they throw into the water for fishing Thie will cause great want of water to the cattle that have been imported in to this district. The Railway people set the grass about the rail on fire but this causes great injury to the pastures generally. Both of these things should be prevented.

SINNAR,—*8th Jan.* 1877.

Original population 10,000. None have abandoned. River and well water will last for a month and a half. No cattle has left the village. Fodder sufficient for 1000 cattle for 3 months. Corn in store sufficient for 3000 people for 2 months. The Maparwadi Tank will give employment to 10,000 people for 3 months, and will yield Government an income of 400 Rs. a year and a good water supply to the people of Sinnar. Remission should be allowed, and the execution of

decrees should be stopped as long as the famine continues. Importation of corn necessary.

WAVI,—*8th Jan.* 1877.

Original population 3500 and 200 have abandoned for the Nizam's dominions, and others intend leaving. Great scarcity of water. 2915 head of cattle, corn sufficient for 500 people for 35 days, an old tank in the vicinity of the village should be repaired. Remission and Tagai should be allowed.

DHARANAGANA,—*8th Jan.* 1877.

Original population 400 and 350 abandoned. River water dried up. A new well should be sunk. Fodder will last for 40 days. 18 maunds of corn in store. Road from Sinnar to Yavale will give employment to many and prove useful. Remission should be allowed. Tagai given. And execution of decress stopped.

DEVAPORE,—*8th Jan.* 1877.

Original population 2500 and 600 abandoned. The Devanadi water will last for 1½ month. A new well should be sunk.

DAPOOR,—*8th Jan.* 2877.

Original population 800, and 200 gone to Ghorawadi Ghat works. A new well should be sunk as the water supply is very scarce.

No. V.

No. 85 of 1877.

SARVAJANIK SABHA ROOMS,
Nagarker's Wada, near Vishrambag.
POONA, *6th March* 1877.

To,

Major General SIR M. K. KENNEDY,
Secretary to Government.
Bombay.

SIR,

I have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit for your information the result of the inquiry which was instituted by the Sabha in regard to the allegations contained in the weekly official Statement No. 14 to the effect that the enormous decrease in the number of relief labourers of nearly a lack of people between the 26th January and 23rd February 1877 was due to an organised conspirary on the part of the labourers to resist the economizing policy of the Government by striking for more wages and easier work. Any thing like conspiracy or organised strike was so opposed to the information received by the Sabha from the Famine Districts and appeared moreover to be so unlikely in the midst of the extreme distress with which these poor people are afflicted that the Sabha deemed it to be its duty to make strict inquiries on the spot by deputed agents specially fitted for such work before committing itself to a distinct denial of the correctness of the official view on this point. That inquiry has now been completed, and it affords great satisfaction to the Sabha to be able to trace the so-called strike to its natural causes, and thereby to vindicate the character of law-abiding and long suffering patience which has secured to the ryots the sympathies of their rulers in their present distress. The reported unwillingness of the relief labourers in Sholapoor to work properly on the unchanged rates of pay under the P. W. Department or to accept the altered and lower rates on the Civil Agency works is due to the following among other causes.

1. Under the operation of the sliding scale introduced by Government and the orders directing the enforcement of task-work, the labourers on the P. Ws. who have been half-starved and emaciated during the past 5 months find it impossible to earn the full wages given by the P. W. officers. The work of these poor people is measured after every 8 days when the payment is made to them not according to the number of days they have worked but accord-

ing to the amount of task work they have been able to get through. A reference to the muster rolls will serve to satisfy you on this point. These rolls, instead of marking the number of days that the labourer has attended, are filled up with figures showing what in the opinion of the Overseer may be the proportion of the work done by the labourer. When the day of payment comes the labourers find that their joint work has been only one half or three fourth of the task required, and as a consequence they find that their diminished work combined with the operation of the sliding scale secures to them only 5 pice a day which is the rate paid on the C. A. Ws. The diminished wages compel them to remain half starved, and this brings on increased weakness, and increased weakness diminishes their power of getting through the task work and earning full wages. The whole machinery thus moves in a circle, and each day aggravates the distress. It is the experience of this misery that deters people from seeking the P. Ws. and prefering Civil Agency Rate works which have the additional advantage of being within an easy reach of the villages from which the labourers have chiefly come.

2. The orders of government moreover require the work people to bring their own baskets and pickaxes and spades. The P. Ws. accounts will show that for the 2 lacs and a half of labourers employed on the Ws the Government has purchased only a few thousand baskets and implements. All the others have to be provided for by the labourers. As the payments are made weekly and not daily, the labourers are compelled to borrow money from their corn-dealers who make the advances upon the security of baskets and spades, and as the insufficient wages received by the labourers prevent them from repaying the loans the Sowcars deprive them of their implements, and when the labourers are deprived of these the Mamledars and the Officers of the Engineering Department refuse employment to these people for days together for not bringing their spades with them. This refusal continues till the labourers are reduced to extreme straits, and if they do not die in the meanwhile or return to their homes in despair they are permanently weakened in their capacity for work. This is another reason why the P. W's. relief is not found efficient and fails to be popular.

3. Another circumstance which leads to the same result is the fact that the orders of government require in the case of the labourers' families that according as the majority of the members are able bodied or infirm they should be employed on the P. Ws. or the C. A. Ws. The majority generally consists of infirm members, and these are not drafted to the C. Ws. until the families of the

able-bodied find employment on the P. Ws., and as this process takes up in some cases many days during which period they are not provided for except in scanty doles out of the charity funds the number of families which have a majority of infirm people increases. This complex method of selection involving much delay and great distress is one reason why the poor people prefer to be at once rejected as infirm and sent to the C. A. Ws.

4. Another reason why people refuse to go to the P. Ws. is that even in the case of those families which have a majority of able bodied members there are sick children or women or old men who cannot be removed to the distant works and whom the rest of the family are not willing to abandon. As the number of these sick children and women is daily increasing in consequence of the bad and insufficient food, the small pox, the cholera, the exposure to heat and cold and the rains, this cause will act with increasing deterrent force in the course of the coming hot months.

5. An additional reason assigned by the work people for their unwillingness was that the officers of Government refuse to send a smaller number than 500 people to the Dhond and Manmar railway and that such a large number could not be secured at once. Every day 40 or 50 men were ready to go but unless their numbers came up to 500 they were not sent, and being disappointed, numbers went away or were half-starved and invalidated. This accounts to some extent for the reported unwillingness of the people to go to long distances such as Dhond works.

6. The work people have lost confidence in the readiness of the P. W. officers to give them employment, for they complain, to some extent reasonably, that they have been often trifled with and sent backwards and forwards for days together without securing employment. Several thousands of people were sent for some days to the Motibag tank where they were promised employment but the authorities in charge of these works admitted only 500 every day. The rest had to stop at the works the whole day when they were told to go away. 400 people under the charge of a Mokadum named Nagu Bapoojee were sent by the Collector first to Motibag where they were refused employment. They were next sent to Soregaum, where also they were told that there was no room for them. They were then sent to Vudakbale and afterwards to Munroop with the like results. They were at last sent to Nadanee where the P. W. officers after all these vexatious journeys and disappointments commenced their work of selection and rejected the old men, women and children. As the whole body refused to part with their infirm members they had to go away without employment. 3000 people were sent from Pundherpoor who were not admitted on the relief

works and had to return disappointed. These P. W.s officers fail to provide the work-people to whom they refuse employment with any written reply, and the Mamledars refuse to supply the charity dole to these returned labourers because they brought no written reply from the P. W. officers. In pursuance of the orders given by Government food was not given to those who refused to go to the public works at Dhond, and when these people expressed their willingness to go, another order was issued that the Dhond works would not be commenced for some time and that the people should go to Yewati work. These are a few illustrations and not extreme ones of the shuffling and trifling which goes on for days and weeks together, and which has ended in inflicting such misery on the people. It is no wonder if with such experiences the work people have lost all confidence in the P. W.'s officers, and prefer as they express it to die, if die they must, within close proximity of Sholapoor where they hope their condition will attract earlier notice than if they allow themselves to be seduced by false promises to go to a distant place, and die on the way.

7. The Deccan labourers are certainly not open to the charge of being afraid to leave their homes and to go to long distances in search of employment. The accounts received by the Sabha which were summarised in my third report show and the official papers confirm the fact, that nearly 50 per cent of the population in the distressed districts left their homes in the early months and sought refuge in the Nizam's territories and in the Berars. Thousands of these people are reported to have died on the way and only recently the corpses of many hundreds were exposed in fields in the Nizam's territories where they had met their deaths from the late hail showers, and where they were recognised by their surviving relatives. There are similar ominous reports of the disappearance of whole gangs of people who left their homes under the first pressure of the famine. This wholesale decimation and these reports joined with the breaking out of violent small pox and cholera epedemics have naturally frightened the survivors who now refuse to go to long distances. Many of the people now in Sholapoor who have been charged with having organised the so called strike have themselves returned from the places where they had gone in the early months of the famine, and they plead that their weak bodies cannot bear the strain of long travel in search of employment.

8. Many hundreds of people sent to the Barsi works at Kurdoo were obliged to come back because there was no provision of water in the neighbourhood of the work. To persons in the condition of these labourers who have to work the whole day and get through

the assigned task it is no small vexation to be obliged to go several miles to bring their little supply of water. It is certainly not reasonable to blame these people if they refuse to go to such works.

9. Of the 10000 people sent to Asti 8000 came back partly because fierce epedimic cholera broke out in the neighbourhood and partly because many hundreds were refused as infirm and the rest who were selected refused to remain because they did not like to part with their sick members for whom the P. W. officers refused any provision, and who could not be supported out of the scanty wages earned by the able bodied.

10. The manner in which the selection is made by the P. Ws. Officers is so cruel that of itself it is sufficient to disgust people from seeking employment. Blows and boxes are given on the chests of the labourers, and if any body complains of the pain caused by the blows he is rejected as infirm. The Maratha peasantry with all their faults have inherited an independence of character and do not like this idea of being examined as if they were so many cattle brought to the market. Besides the blows given are not in many cases like the doctor's gentle taps. This complaint was chiefly made by the work-people on the Yewati tank and requires to be looked into. The poor people are always very weak in their chests, and as the officers can afford to test their capacity by assigning them their task-work this additional humiliation may be dispenced with.

11. The Sabha made particular inquiries in regard to the 75000 labourers who have left and not returned to the relief works between the 26th January and 27th February. This number of 75000 labourers represents the difference between the figures given in the 11th and the 14th statements after allowing credit for the 10000 labourers who appear to have returned in the last week of February. The Sabha expected that some of these people would return to their homes during the Shimga holidays and accordingly gave instructions to their agents to watch and report if the abandoned villages were repeopled with large accessions. The reports received upto date show that the villagers have not returned to their homes even for the holidays. Under these circumstances it becomes the duty of the relief officers to make inquiries as to the fate of the 75000 people who are wandering in their districts or begging in the large towns without any adequate means of support. The Sabha requests that you will take immediate steps to call for returns tracing the whereabouts of these people and giving full reports of their present condition.

12. I have already stated in my last report that the Relief officers proceeded on erroneous information in pursuading Govern-

ment to fix one pound or half a sher as the measure of food necessary to sustain life in India. The error originated in one of Sir Richard Temple's minutes dated 22nd January, where it is stated that "in many parts of India half a sher a day has passed into a proverb for bare subsistence, and experience has shown that this measure of food will sustain life." I have alrealy in my last report stated that the proverbial measure for bare subsistence throughout India is not half a sher but full sher that is 2lbs. of staple food with a margin for vegitables and condiments, and ample experience has now shown that a pound of food does not suffice to sustain life. The large number of deaths on the Relief works erroneously ascribed to cholera but which the Government of India itself now acknowledges to be the result of slow starvation, contradicts the so called experience in the minute quoted above. The refusal of 75000 labourers to consent to this slow starvation is a most painful evidence pointing in the same direction. If additional evidence was wanted, Government will find it in the reports of its Revenue officers most of whom have protested against the sufficiency of this scanty dole of one pound of food. Mr. Davidson, one of the Assistant Collectors in charge of the Pundherpoor Taluka has actually taken upon himself practically to disobey the orders of Government by providing each labourer with the deficient pound out of his own pocket or from private funds placed at his disposal. Many death cases on account of starvation are officially reported from the Sholapur, Madhe, Barsi and Kurmale Talukas. Some of these reports from the Police officers are attempted to be contradicted by the Mamledars. In one case the Mamledar forwarded the report to the Deputy Collector who referred the matter to the Medical officer who in his turn stated that as long as the wages were insufficient deaths would occur. As no death inquests are held upon those who die in remote places and on the large works it is impossible that the official registers can give the proper returns. Between the 22nd and 26th of Februaray in the town of Sholapoor 12 deaths happened including 6 men, 1 woman and 5 children whose relations complain they died from starvation. It is not known that any inquests were held in these cases. If any were held it is expected that they will confirm the truth of this complaint. In the face of these facts and experiences I submit that Government should not commit itself to the support of a measure against which the conscience of its subordinate officers revolts and which has to such an extent destroyed the moral influence of the benevolent policy which guides government in dealing with the famine.

13. To all practical intents the measures adopted by Government under the stress of orders received from the Government of

India have failed to achieve their ends, and have resulted in disastrous consequences to the poor people whose protection the Government has at heart. The rate of wages paid on the P. Ws. has under the influence of the sliding scale and the task work practically fallen to the rates given on the C. Ws., and both have been found to be wholly insufficient for bear subsistence. The apprehensions entertained by government, and their estimates of the expected increase of numbers on the relief works have not been realized, a fact which speaks greatly to the credit of the peasantry of this country. No one who could support himself on his own resources has thrown the burden of his maintenance upon the Government, and even those who have come to the relief works are anxious as soon as the first rain showers fall to go back to their homes. This is one of the most patent reasons which, as the people themselves allege, induces them to hold back from going to distant places. They are anxious to be near their homes which will enable them to make arrangements for purchasing seed and cattle and ploughing their lands against the next season.

I have thus as briefly as possible described the condition of the labourers employed on the famine works, and enumerated some of the causes which have influenced them in holding back from going to distant Public works and in preferring a demand for more wages and employment on the Civil works. The experience of the past months has shown that the changes introduced with a view to secure economy have produced disastrous results, and that the people in their seeming resistence are not liable to the charge of having conspired together by a strike to defeat the intentions to Government. I feel persuaded that when the facts noted above will be duly considered, a spirit of provident sympathy with distress, and a sense of the duties imposed upon Government by its position as the only landlord in the country, will induce it to relax the strictness of the present rules, to increase the wages to the scale first adopted, to employ all who come to the works and to pay them the fixed wages if they work, as much as their strength allows, or if the Government prefers to exact task, to reduce the scale of task work so as to adjust it to the diminished working power of the people.

I have the honour to be &c.
SHIVARAM HARI SATHE,
Secretary Poona Sarvajanik Sabha.

THE ARMIES OF THE NATIVE STATES.

It has been wisely observed that Peace has its insidious dangers far more tempting to the pride of an aggressive domination than the stern perils of War. The Inam Commission and the Annexation policy were both born of the long peace that India enjoyed previous to the mutiny. The fires of that terrible commotion burnt up with the first blaze these noxious weeds of unresisted self-aggrandizement, and the land had a breathing time of rest and contentment for the last twenty years. This long continued peace has, however, revived the aggressive spirit, and the so-called question of the disbandment of the armies of the native Princes of India has been started by irresponsible officials and their inspired organs to disturb the quiet of the loyal princes and the people of India. We had hoped that, after the emphatic and cordial greetings of royal satisfaction which were communicated to the native Princes of India by Her Most Gracious Majesty the Queen-Empress on two memorable occasions during the last year, and after the equally emphatic utterances of His Excellency the Viceroy on the occasion of the great Review he held of the Native Contingent now serving in the Afgan War,—we had hoped that this ugly nightmare would have been allowed to lie in the limbo of oblivion as a forgotten dream. From recent indications it appears, however, that it is likely to be one of those unpleasant surprises which under the present rule have become the order of the day, and that, as soon as the Afgan troubles are over, this proposal about the disbandment of native armies will become the blazing question of the day. It is time, therefore, that native public opinion should make itself distinctly heard in the counsels of the Empire upon a matter which con-

cerns such vital interests. We accordingly propose in the following observations to expose the hollowness and insincerity of the cry which has been raised, and to demonstrate that any officious intermeddling in this direction will be most wanton and purposeless, and cannot fail to seriously shake that confidence in treaty obligations and in the words of the great Proclamations of 1858 and 1877, upon which rests the fabric of the great confederation of the British Empire in India. We shall present below in parallel columns all the arguments pro-and-con which may be urged on both sides of this question of the compulsory disbandment of the military organizations in native states.

	FOR DISBANDMENT.		AGAINST DISBANDMENT.
1	The native armies are proportionately larger than they may well be allowed to be in the interests of the dominant power, and they constitute a danger to the state.	1	The native armies in all the larger states distinctly rest on treaty obligations which are binding upon the Paramount Power, which has repeatedly admitted the force of these obligations. Such obligations cannot be dissolved without the free and mutual consent of both parties.
2	They require an augmentation of the British garrison in India to watch them, and they make retrenchment of expenditure impossible.	2	This appanage is the last privilege left to the royal houses. Measures of forcible disbandment cannot but cause dissatisfaction among the native states.
3	Their maintenance imposes unnecessary burdens upon the subjects	3	These armies are not a source of danger to the British govern-

of native states.

ment. Their strength and numbers are overrated. Badly armed, badly officered, badly disciplined, and wholly disunited they have no power for mischief.

4 As the British Government protects the states from outside violence, these forces are useful only for the purposes of show, and their large numbers have a tendency to turn the heads of the native Princes.

4 They are at the same time very useful auxiliaries, especially as against Asiatic powers on the frontiers of our provinces, in respect of whom the use of the regular British army involves a needless waste of money and strength.

5 These armies in native states are mercenary, and cost a great deal as compared with their efficiency.

5 They have rendered important services in the early wars, as also in the mutiny struggle, and have proved valuable auxiliaries in the present Afgan war.

6 Their loyalty and insignificance renders jealous watchfulness unnecessary, and if more confidence were placed in them, they would render a considerable reduction of the British garrison possible.

7 They are beyond all comparison a cheap agency, and good material to rely upon as a recruiting ground for the

British Indian forces.

8 The whole population being disarmed and demartialized, the native armies are the only available militia and reserve force to fall back upon.

9 The native British Indian force is *par excellence* a mercenary body. The sepoys require to be counterbalanced by these native armies, which are for the most part national and not mercenary, and which at all events will never make common cause with the sepoys.

10 In the present state of India, when the whole of Central Asia may be expected with Russian help and propulsion any day to come down upon us, it is not safe to trust to the single support of the regular British Indian forces alone. There should be many small centres and foci of dependent authority, scattered over the country, with their opportunities of education in military habits, and in the higher art of leading

and controlling men.

11 In many native states, society rests on a feudal or military basis. This state of things cannot be disturbed without affecting the integrity of the states. The Sirdars and military classes, for whom British India offers no field, are usefully provided for in these native armies.

12 The purposes sought to be accomplished by forcible disbandment can be equally well achieved by a policy of greater trust and confidence. If the armies of native states are badly armed and officered and disciplined, these defects may be removed by the help of British officers lent to these states to effect these reforms, and improve the race of native officers.

We shall now discuss at some length a few of the points summarized above :—

It is argued by some of those writers, who advocate the abolition of the armies of Native Princes, that the British Government is responsible for the military defence of the whole country, and that beyond the requirements of the Police service of their respective territories, the Rajahs and Chiefs need not spend a

single pie in keeping up military establishments. This, we submit, is an utterly wrong view of the question. Every Native Prince, who is bound in treaty to the British Government, is in himself an individual factor of the Indian Empire, and is bound, and has a right, to render all assistance in his power to, and cooperate with, that Government in time of need. If he is not to be called upon to render such service, it is impossible to understand what is meant by recognising him as a link of this great political body. Whatever position we may suppose the British Government to occupy, the right and the obligation of these Princes to uphold their status within the bounds of their treaties, as subordinate confederates of the Empire, are unquestioned. Unless it is meant at one stroke to nullify all treaty obligations, the Native Princes can not justly be called upon to dismiss or reduce their military establishments. Any one who reads the several treaties that have been concluded from time to time with the Native Princes will see that sufficient care has already been taken to prevent all possible harm arising from the establishments which they were allowed to maintain. Under existing treaties, not a single Native Prince is allowed to keep any political or military communication with any brother chief, or with any foreign power; he is not allowed to keep a single foreign, or even British, officer in his civil or military service without the knowledge and sanction of the British Government. This is undoubtedly a sufficient guarantee that no harm whatever can possibly result to the security of the British Government from the existence of these armies. There are several other circumstances too which make such a contingency utterly impossible. It is well known that the only arms and weapons of offence which exist, and which can be manufactured in India, are of a very rude kind, and utterly unsuited to cope with the superior productions of European science and art. Besides, the British Government, which com-

mands the whole coast line, has it in its power, under the Indian Arms Act, not to allow a single cap or a musket or a pound of gun-powder to reach India without its sanction, and this enormous power has been already most stringently enforced. No fear whatever need, therefore, be entertained of the least danger from any military establishment, howsoever large or efficient, of the native states. If a few of the Native Princes, and it is notorious how very few they are, show some desire to pay more or less attention to their small and ill-supplied armies, is there any the least reason for the British Government to interfere with the innocent pleasure or the legitimate ambition of the Princes? Is it not its duty and its highest glory to conserve and encourage such laudable interest, and assist the subject Princes to be its towers of strength? Some of these princes are so bound to the traditional ways of the States they represent, that they will consider any change in the existing state of things as a sacrilege. There are a few others, who will regard themselves highly disgraced, if what they are accustomed to call their forces were reduced by a single unit below the scale laid down by the treaties.

But keeping out of sight for a time the feelings with which, and the purposes for which, these military establishments are retained, let us see what is the strength of these so-called Native armies, which are magnified into a source of danger to the permanency of the British rule. They are represented to be as under :—

Name of the State.	Guns.	Infantry.	Cavalry.
Oodepur...	538	15100	6240
Jaipur	312	10500	3530
Jodhapur.....	220	4000	5600
Bundi	68	2000	200
Kotha	119	4600	700
Jhalawar.	90	3500	400
Tohk	53	2288	430

Karauli	40 ...	3200 ...	400
Krishnagar	35 ...	2000 ...	150
Dholapur.	32 ...	3650 ...	610
Bharatpur	38 ...	8500 ...	1460
Alwar	351 ...	5633 ...	2280
Bikanir...	53 ...	940 ...	670
Jasalmir.	12 ...	400 ...	500
Sirohi.	0 ...	350 ...	375
Dongarpur	4 ...	632 ...	57
Banswada	3 ...	500 ...	60
Pertanbgad...	12 ...	950 ...	275
Gwalior...	210 ...	16050 ...	6068
Indore	102 ...	5500 ...	3000
Bhopal	39 ...	4766 ...	1194
Dhar.	4 ...	790 ...	370
Dewas	... ...	... ...	.....
Rewa.	35 ...	2000 ...	905
Other States in Bundelkhand... ...	421 ...	22163 ...	2677
Bawda	30 ...	11000 ...	3098
Kolhapur	258 ...	1502 ...	154
Kutch	38 ...	600 ...	300
Kattiawar	508 ...	15306 ...	3033
Hyderabad	725 ...	36890 ...	8202
Mysore	6 ...	1000 ...	35
Travancore	6 ...	1211 ...	60
Cochin	3 ...	300 ...	.....
Cis-Sutlaj States ...	141 ...	7185 ...	3191
Kashmere	96 ...	18436 ...	1393
Trans-Sutlaj States .	27 ...	3275 ...	300
Bhawalpur	80 ...	2484 ...	360
Petty States.	302 ...	18000 ...	4000

At first sight, these numbers would seem to be a rather formidable array. But those who have any knowledge of the Native States and their armies will at once see that but a small fraction of these have any title to be regarded as fighting men. Taking even the best of these, such as the army of His Highness the Nizam, it will be seen that, with the

doubtful exception of the newly-organised Regular Troops, the rest of the army is but a rabble, and that with their rude and antiquated implements of war they are not fitted for undertaking any military work of aggression. A correspondent of the Bombay *Times*, who was present on the day when, according to the custom of the Hyderabad State, the whole army was brought out in the state of its highest preparation, describes it most comically, yet most truthfully, when he says that it would require no small amount of courage to fire most of the ponderous tubes which pass for muskets in the Hyderabad Army, and that it would require no small amount of tact and strength to separate in most cases a blade from its rusty scabbard. The writer has no desire to depreciate the efficiency of the Nizam's Army generally, as he gives full credit to the fine cavalry that has been newly organised, and he may, therefore, be trusted in his description of the Irregular Troops. Such being the case with the first and the most warlike state in India, in the case of the other states, the proportion of a really serviceable force to the show figures on paper must be much more unfavourable. To judge from the appearance which probably the best selected of these present when they accompany the Princes on state occasions, it will be doing them no injustice to strike off two-thirds of the number as military only in name, and only to count a third as possibly available for any military operations. As regards guns and artillerymen, even this proportion, we are sure, will be too high. In the foregoing estimate, Kolhapoor is credited with the possession of 258 guns. This number evidently includes the old and mostly useless pieces, the strength of which is not known to any body in or connected with the state.

A third of the cavalry and infantry of all the Native States put together amounts to about 20,000 horse, and 80000 foot soldiers. This serviceable force is trained and commanded by hundreds of equally illite-

rate officers, who know nothing of each other, and who have no *esprit de corps*. They are separated by large tracts of provinces, and have no means of communication but through the Imperial Government. Add to this the difficulty of getting any ammunition and arms worth the name, and the difficulty of co-operation caused by diversities in language and habits and military discipline, and the very doubtful feelings of amity which exist among the masters of this motley of troops, and we may get some idea of the capability of these Native armies for any combined action likely to endanger the stability of the British rule. The British Government keeps a military establishment, which though by no means out of proportion to its needs, is more than sufficiently powerful to keep all the Native armies put together under check. Its little finger is bigger than the arm of this whole motley host. The effective British force is at least 152000 Infantry and 23000 cavalry with a monopoly of the artillery. It will be thus seen that, even in point of numbers this is sufficiently in excess of the armies of Native states. Besides they are most admirably trained and equipped. Their arms of precision are after the most scientfic and refined patterns. A perfect uniformity of discipline prevails throughout. Their means of communication are most efficient. With all these advantages, the Paramount Power might certainly defy all the armies that Native Princes could possibly put into the field on any occasion.

But there is really no occasion why British India should thus try to measure its strength as against the Native states. For the last thirty years there has been no single instance in which any of the Native Chiefs or Princes have ever shown a desire to present any military opposition to the British arms. On the contrary, whenever we have had any occasion to go to war, all the Native Princes, great and small, have ever shown their readiness to assist the Paramount Power. The sense of the obligation to assist the British Go-

vernment on all such occasions is so keenly felt, that even the small chiefs in the Deccan, Kattiawar, and the Panjab loyally offered their services in the present Afgan war, though undoubtedly they must have been conscious that their weight taken singly could very little affect the balance. These cordial offers on the part of the Princes, and their hearty acknowledgement by Her Majesty's Government and His Excellency the Viceroy, show that the Native Princes are as conscious of their duty to help the British Government, as the latter is conscious of its right to receive it from them. In the very trying times of the mutiny in 1857, all the reigning sovereign chiefs stood firmly loyal, and the military establishments of most of them rendered excellent service, when the mercenary native British forces proved untrue to their allegiance. It is true that the vitiating contact with the mutinous soldiery did not fail to affect the constancy of some portion of the contingents of Scindia and Holkar, yet the Chiefs could not be held responsible for this mishap, for they were commanded by British officers, and the fact of their having been in the service of those Princes materially abated the mischief which they might have done, had they been under direct British control. The Native Princes generally stood firm, and checked the surging tide of rebellion at great personal risk, and the Panjab Princes and the Nepalese ruler sent their contingents to fight before Delhi and Lucknow. Let us see what testimony is borne to H. H. the Maharaja Scindia's loyalty and usefulness to the British Government on this trying occasion. Col. Malleson in his Treatise on Native States has the following:—

> From the very first with the full concurrence and support of the minister, Jayajirao determined to cast in his lot with the British. Not in vain had Lord Ellenborough, in 1844, displayed the prescient policy of a real statesman. Not, in vain had he forborne from the lust of conquest, and restored to the minor sovereign intact his dominions, with a provision to secure their good administration during his minority. With an opportunity which Mahadajee would have made decisive, which Dowlatrao even

would have clutched at, Jayajirao took upon himself the task, which under the circumstances of the feeling of the country, must have been preeminently difficult,—the task of being loyal to his engagements to the British, even when British Supremacy seemed lowered, and British authority had been shaken off in districts within fifty miles of his capital. Full of these loyal ideas, Jayajirao's first movement was to send his own body-guard to Agra to aid the Lieutnent Governor of the N. W. Provinces in the suppression of the revolt. They rendered excellent service. His next was to place his entire contingent at the disposal of the same high officer. The offer was accepted. But it soon became evident that the causes which had induced the mutiny in the Bengal Army had infected the sepoys of the Gwalior contingent with the virus of revolt. At Hatras, at Neemuch, at Augar, at Lalatpore, and finally on June 14, at Gwalior itself the sepoys of the contingent rose and massacred many of their British officers.

No sooner had these men revolted, than they placed their services at the disposal of Jayajirao, and begged him to lead them against the British in Agra. To give due credit to the loyalty of Jayajirao Scindia at this crisis, it should be remembered that not only were the insurgents in possession of the capital of the Mogals, but the entire country to the north-west of Agra was in revolt. British garrisons were beleagured at Cawnpoor and at Lucknow, and it seemed as though one decesive blow would finish with the English dominion north of Bengal Proper. Had the Maharajah, then acceeded to the request of the sepoys, it was quite possible that with 20000 trained soldiers, men who afterwards gave evidence of the excellence of their discipline against General Wyndham at Cawnpoor, and against Lord Strathnairn after Zansi, he might have struck that fatal blow.

To say that he must have felt his power is only to credit him with ordinary capacity, and his capacity is at least beyond the average. But he was loyal and true. Had the ablest member in the Council of India been at his ear, he could not have inspired him with counsels more calculated to prove beneficial to the British cause than those which he and his minister, with the instinct of loyal natures, followed of their own free will.

Not only did the Maharaja not accept the offer of his troops, but by dint of skilful management, by cajoling and by gifts of money, and by pretended difficulties in the way of procuring carriage, he detained them. More than that. When mutinous troops from Mhow and the territories of Holkar passed through his dominions, he restrained his own troops from joining them. He succeeded, in fact, in retaining them in inaction, till after Delhi had fallen, and Cawnpoor had been relieved. And when finally he did let them go, it was only that they might fall into the clutches of Sir Hugh Rose and Sir Colin Campbell."

The services rendered by the state of Bhopal were, if possible, still more effective. They are acknowledged in the same work in equally emphatic terms.

She was guiding the state vessel in 1857, when the storm o mutiny burst upon her. She was equal to the occasion. True to the traditions of her country, to her plighted word, to the sentiments of truth and honour, as early as April of that year, she communicated to the British Agent the contents of a lithographed proclamation which had reached her, urging the overthrow and destruction of the English. In the month of June she expelled from Bhopal a native whom she found engaged in raising troops for a purpose he did not care to avoid. In July she afforded shelter to the British officers who had been driven from Indore by the mutinous troops of Holkar. She did all this under great difficulties. When the contingent, raised in Bhopal and commanded by British officers, had mutinied, when her mother, who had become a bigot, and her uncles, who were weak-minded and priest-ridden, were urging her to declare a religious war against the infidel the Begum never faltered. She was true to the last. She caused the British officers to be conducted to Hoshangabad, then with infinite tact allayed the excitement in her capital; put down the mutinous contingent with a strong hand, and finally restored order in every part of the Bhopal territory. Then, when the tide turned, and British supremacy began to vindicate itself, she was as prompt in another way with her aid, supplies, soldiers, all that she had that could be useful, she gave with a liberal hand."

The official recognition of these services is also worthy of attention.

Col Malleson quotes the following extract from the order of the Government of India, issued on the occasion of the death of the same illustrious lady.

"Her unswerving fidelity, her skill in the management of affairs at an important crisis, the bold front which she presented to the enemies of the British power, and the vigilance with which she watched over the preservation of Englishmen, were acknowledged by Lord Canning, in open durbar, in terms of well-deserved praise and commendation.* *"

H. H. the Gaikwar too did his part honestly. He gave no cause of anxiety to the government in those troubled times, and Lord Canning thankfully admitted that he identified his own cause with that of the British Government.

The friendly offices which the government recive-

ed from Hyderabad were equally memorable. The distinguished nobleman, who is still at the helm of affairs there, not only kept the people quiet, but actually took the field in person, and kept the infuriated populace under check. To quote from the same book again :—

"More than that, they (the insurgents) were attacked likewise by one, who did not belong to any one of the classes I have enumerated—by one who was neither a prince, nor a soldier, nor a fanatic, nor ignorant. They were attacked by the prime minister, Sir Salar Jung, one of the ablest of living Indian Statesmen, and were dispersed. Guided by the counsels of that enlightened man, the Nizam steered a straight course during the cyclone of the mutiny."

The assistance which the British Government has from time to time received from the states of Pattiala, Nabha and other Panjab chiefs is thus described, by the same author :—

"Three years later (1814) the British engaged in War with Nepal, and in accordance with the terms of the proclamation of 1809, called upon the Rajah of Pattiala to aid them with troops. The aid was cheerfully renderd, and was, in its way, effective."

"The service rendered by the Maharajah to the British Government during the mutiny of 1857 can scarcely be exaggerated. The prompt action of himself and the Rajahs of Jhind and Nabha had a marked influence alike on the state of affairs in the Panjab and on the march of the British troops to Delhi. It is not too much to say that hostility or lukewarmness on the part of the Cis-Satlej Rajahs at the early stage of the mutiny would have greatly imperilled the position of the British. The gain of their hearty co-operation can then scarcely be over-estimated.

But the Maharajah of Pattiala did something more than aid the British by his troops. Whilst these were usefully employed in keeping open the communication, and aiding in the field, he lent his money freely, a favour in those troublous times most highly to be appreciated."

The foregoing illustrations are more than sufficient to show that the armies of the Native States did on the whole behave in those most trying times in a manner which justifies the entertainment of the most perfect confidence in them on the part of the British Government. The temptation which the mutineers placed in the way of the Native Princes would have

overpowered any but the staunchest friends of the British rule. Danger to their religion and caste for which the native populations will willingly sacrifice their lives, was the watchword of revolt, and was turned to all possible advantage by the mutineers by being mixed up with denunciations of the annexation policy. These motives, added to the natural desire of regaining political liberty, must indeed have tried most sorely the constancy of the Princes and Chiefs; but the result, as seen in the extracts above given, gloriously illustrated their good sense and loyalty and confidence in the British government. It will be a cruel disappointment if now the British Government, in a spirit of undignified reaction, renders such a return for such services, and treats the Princes with undeserved suspicion, and calls upon them to disband their faithful and hereditary soldiers in whom they have been taught to feel such just pride. Such an unnecessary and uncalled-for affront to the dearly cherished rights and feelings of the most friendly states is inconsistent with the wise policy of magnanimous indulgence which has been hitherto observed towards them by the British Government. Even those that recommend these measures do not themselves see the subject in all its aspects; otherwise they would not recommend such reactionary measures on the flimsy grounds and pretexts put forth. This is our brief answer to the question suggested by irresponsible politicians who urge that they can not understand what useful purpose these armies serve, and how they can be anything but a danger to the state. It must be admitted that in times of peace it is always impossible to answer such questions satisfactorily. Armies professedly are institutions for the insurance of the state against dangers which are not always present except in time of war, but for all that, their organization must be kept up for contingencies, which, though it is impossible to fortell their occurrence, must always be anticipated in considering all political questions. Before the mutiny

broke out, who could have answered the question what good the armies of Gwalior, of Hydrabad or of Bhopal could do to the British government? But then those troublous times have answered the question for us. And with the present agitated state of politics in Europe and Asia, the contingencies, which may make these armies of vital importance to us, are not difficult to imagine, though we most fervently hope that they may never occur. It is therefore a matter of great congratulation that these short-sighted views of irresponsible officials and editors have not found general acceptance, at least among the highest authorities in England and India. Her Imperial Majesty's most gracious acknowledgment of the proffered aid of the Native Princes shows that the British Government is not insensible, like the self-styled politicians of the Press with whom our contention lies, to the force of the reasons for which the armies of Native Princes exist, and the Indian authorities have shown no disinclination to turn them to account in the present Afgan War.

We hope our Government will be consistent with itself, and give every assistance to our Princes to keep their armies in a state of efficiency according to their own notions and capabilities. The original proposal of the forcible disbandment of the armies of Native States, against which we believe we have written at sufficient length, was so revolutionary in its conception that those who suggested it were themselves scarced by seeing it in public print. The monstrous phantom affrighted those that called it up from the depths of their pervested consciences. Public opinion pronounced itself so strongly against it that the original proposal was reported to have been abandoned, and in its place it was suggested,—that the armies of Native Princes should be commanded by European officers, and should be thus formed and incorporated into wings and supports of the Imperial Army. Princes and chiefs are much more sensitive on these subjects than we give

them credit for, and they will not fail to see and resent the distrust, which dictates such a proposal. Even if no such distrust be meant, the proposal is so open to the suspicion of it that, we feel sure, far-sighted politicians at the helm of affairs will at once discard it. Any attempt to enforce such arrangements is obviously open to be misinterpreted into a precautionary measure reflecting a slur on the good faith of Indian Princes. The only right way to encourage the employment of European officers where they are really needed would be to withdraw the old-world prohibition under which the Princes are shut out from giving employment to European servants. When that restriction is withdrawn, the services of European officers will naturally be entertained in cases where they might be necessary. Besides the injury to the feelings of Princes, which the proposed arrangments involve, there are other evils with which they are fraught. When European officers are thus forced upon the Native Princes, these latter will naturally cease to take any interest in their armies, and as a consequence their efficiency will be inevitably lowered. The huge blunder of the amalgamation will be repeated again with the self-same results. To carry into effect the so-called amalgamation of the local Indian and the Imperial armies of England, many changes have of late, though not quite recently, been introduced into the system of officering our own Native army, which have in a measure ruined their prospects, and sensibly lowered their former status. It is true the sepoy's pay has been increased, but their ranks of late have not been filled with the same class of men, with which they used to be filled before. Employment in the regiments is not as eagerly sought after now as before by the scions of the old Maharatta Sirdars' families, or by respectable Rajputs and Mahomedans. Our present organisation has left no scope for their aspirations, and most of them have turned to other occupations. The armies of the Native Princes and Native

States generally afford the only available field to this class of men for whom there is now no opening left in British India. Any change in the constitution of Native armies in the proposed direction will result in depriving these military classes of their accustomed employment. Hundreds of well-descended and brave Sirdars, who by their education are incapable of adapting themselves to altered circumstances, which require them to be farmers or shopkeepers, will find their occupation gone. It cannot be wise to let loose upon the country such a large stream of discontented people unable to earn their livelihood in worthy and manly occupations. What is very often mistaken for or misrepresented to be political discontent in certain parts of the country is in reality nothing more than the cry for profitable civil and military employment by men who have been thrown out of their usual occupations. If British officers are appointed to supersede Natives of rank in the armies of Princes and Chiefs, the two will never pull on together, and the weaker vessel will go to the wall, and a very great addition will unavoidably be made to this miserable class.

Besides, one can not overlook the fact that the systematic and general appointment of British officers to all posts of command in the armies of Native States will considerably swell the expense which is at present found sufficient to maintain these military establishments in their old-world fashions and trappings and armours. Native officers are much more cheap than British officers, and are not necessarily less efficient for the purposes of this irregular force. If it is desired that to a certain extent uniformity of discipline should prevail in all Indian Armies, facilities should be afforded to the rulers of Native States by permitting them to send their officers to be trained in the Imperial Army. This will create a healthy rivalry, and will firmly cement the military and feudal relations between the British Government and the Native States. Princes and chiefs will, in consequence of such facilities, con-

tinue to take the same, or perhaps increased, interest in their military establishments, while the efficiency of their armies will be increased without making them more expensive.

Lastly, we shall notice incidentally the question whether the assumption of the Imperial Title by Her Gracious Majesty has any bearing on this subject. No one can conscientiously hold that it has altered the relation of these states with the Paramount Power for the worse. It was authoritatively and expressly declared that the assumption of the title did not, and would not, make the least difference in the relations between the British Government and its subordinated native allies, and that the title was assumed simply to give adequate expression to the value which Her Majesty set on her Indian Dependency. If possible, the assumption of the title has strengthened the claims of the Native Princes to retain their small armies. The discussion which took place on the subject in Parliament resulted in the vouchsafing of many assurances from responsible ministers to the Native Princes that their position in the Empire was now legitimatized as the civil councillors and military generals of the Empress, and it was owing no doubt to the faith which was placed in these assurances, that all the Princes, high and low, vied with each other in bending their knee cheerfully in the august celebrations at Delhi to the sovereign authority then proclaimed. The assumption, moreover, of a title, involving the anomaly of its being applicable only to a portion of Her Majesty's dominions, has a significance of its own. The novel title was assumed chiefly with the object of giving expression to the dignity of the position of the Queen of England without making any detraction from the dignity of the Rajahs, Nabobs, Chiefs and Princes &c. of India. If such scrupulousness was shown even in the assumption of a name, what can be more inconsistent with such a policy than the idea that that event can be held to justify any encroachment on the rights of

Princes, which would not have been justifiable before that event? It was especially declared at the time that it was not intended to assume any rights which did not before belong to the Crown, and it can not now be held for a moment that the position newly assumed gives the British Government any right to interfere with the internal economy of Native States, any more than it had before the passing of the Royal Titles Bill.

The plea for disbandment based on the grievous nature of the burdens these armies impose on the subjects of the native states need not detain us long. These subjects have never complained about their burdens. On the contrary they glory in the strength of their military establishments. We are not in a position to throw stones at others in this respect; for the native states may well retort and call upon the doctor to "heal himself" before preaching economy to others. This expenditure is not spent on mere mercenary hordes. It is shared in by the nobility and the Raj-mandal, and renders a rich return. Native Governments are not absentee landlords, and do not drain away wealth by their home charges. The rich nobles and sirdars foster arts, and preserve the national spirit. The proposed scheme, moreover, will not lessen these burdens, for the British Government will step in, and appropriate these resources for its own military purposes. The burdens will remain, and will be stereotyped. The money will be spent upon frontier wars and garrisons from which the subjects of native powers can derive little direct benefit. On no grounds, therefore, is any change, like the one proposed by the London *Times* in the political and military relations of the Paramount Power with the Indian Princes and Chiefs, justifiable or salutary. We protest emphatically against the ungenerous, short-sighted, and reactionary policy which the British Government is urged to pursue towards its best friends and allies. The Political Department must give the lie direct to the charge

that it is unable or unwilling to assign a proper place to this class in our administrative economy. The fidelity of Native Princes has been tried sufficiently, and the Paramount Power may well rely upon the loyalty of its feudatories. We must give the Indian Princes and Chiefs some little credit for common sense. England conquered India, and destroyed its armies in the early part of the century with a comparatively handful of men. Is there any reason why we should accept the taunt of its enemies who proclaim that England's power is already on the wane, and that, in spite of its vastly increased resources, it is afraid of the shadows of those vast military powers which it laid low in the full strength of their life? These unreasonable fears of decayed ruins are unworthy of its strength. The Princes have formed a proper idea of its real power, and the utter inadequacy of their combined strength to offer any serious opposition to its wishes. It is time, therefore, that the government should take its Indian allies into confidence. Following in the footsteps of the wisest Mogul Emperors, it is its duty to keep up and foster what little martial spirit is yet left in them. It is highly impolitic to paralyze these limbs of the great body-politic, and cut off by the roots the sources of the nation's life-blood. A truly wise politician would surely strive his best to keep sound every part in its place, and direct all to the desired end, of glorifying England by elevating India to the platform of civilized nations. There is a tradition current among the Marathas, that the great Madhav Rao Peishwa was once asked why he did not fortify Poona, his capital city. He is reported to have said in return that he had living walls and bastions in his great Sirdars, Scindia, Holkar and others, and that he trusted more to living than to dead defences. Our Government may indeed safely aspire to this position, and the achievement will by no means be difficult if it condescends to establish a real and sympathetic understanding between itself and the

Native Princes. At present they have no place in the councils of the Empire, and they are never asked to lead its forces. If in place of the formal Durbars now and then held, which at present cause scarcely disguised inconvenience and discomfort to all parties, assemblies of the notables were convened for the consideration of serious questions concerning the mutual relations of the Princes, and their subordination to the British Government, if the Government assured to them the steady continuance of all their rights and privileges, as it has already assured them the permanent enjoyment of their respective territories, a new future will dawn upon India. At present, the British Government expects concessions without surrendering any of its hold on them. We might make the Native states the pillars that lend strength to the imperial edifice, rather than objects of fear and suspicion. Their military establishments and their treasures might be, as in fact they should be even now, regarded more as a source of strength to us than as objects to be feared, and to watch we whom must run into an unnecessary expenditure on our own army. The present war with our Afghan neighbour, though it is an evil in itself, is to be thanked as having put to a prompt test the assurances of friendly help, which the Government has been constantly receiving from our Princes and Chiefs. And further if this event has the result of driving away the suicidal mania which prevails among certain people of stifling all military spirit in the Indian subjects, of demartializing the scions of old warrior-families, and reducing them to the status of renters and slothful pensioners; in short if it awakens us to the true dignity of the policy of keeping up and turning to good account the support of our faithful allies, and the traditional hold the prestige of their names still exercises over the people of India, we shall have ample reason to thank the war as a god-sent and a blessing. Good, they say, comes out of evil. And if, besides the military glory, which the war now go-

ing on is sure to bring to the British arms, our relations to the Native Princes and Chiefs be placed on a more satisfactory footing, and a friendly and cordial understanding comes to be established between them and ourselves, if we learn to look upon their increased strength as an addition to our own, we may well be said to have turned a new leaf in our political history, and the second Affgan War will always be remembered as an era, inaugurating a happy and prosperous future to England and India, united in the bond of mutual co-operation in the labours of peace and in the risks of war.

COMMERCIAL CRISIS IN BOMBAY.

Once more has Bombay, in the course of fifteen years, fallen upon evil days. She is passing through a commercial crisis of the severity of which persons not in business, or those situated at a distance, can hardly perhaps have any adequate conception. The failure of W. Nicol and Co. in October last heralded her coming misfortunes. This was followed by Reuters' announcement of the failure of the City of Glasgow Bank in Scotland, with liabilities amounting to twelve millions of pounds sterling. This news had no direct effect upon Bombay, but the revelations of huge frauds in connection with the Bank engendered a feeling of general distrust in mercantile circles. This distrust became manifest at first in connection with a run upon the local Banks, but, be it said to their credit, they all stood the trial remarkably well. Individual mercantile firms and joint stock companies, however, that simply lived upon credit, began to feel in a sensible manner the effect of its sudden contraction. The house of Nursey Kessowji and Co., which had for months past been struggling for existence, was the first to feel the shock, and it fell down with a tremendous crash. Then followed in rapid succession the winding up of joint stock companies by wholesale. Rumour, with her thousand tongues, was busy with the wildest stories. No man's reputation was safe. No joint stock company's credit was thought good. Whether you went to the Cotton green or to the share market, or to the other places of public resort, the theme of conversation in every body's mouth was, where is this to end? The minds of business-men were filled with the most desponding visions at finding the enormity of losses and the rottenness of concerns worked with borrowed capital, concerns which were swept away with the first breath of adversity. This is

the second crisis which has over-taken Bombay in the space of fifteen years, the first being the crash of 1864 and 1865 which followed the close of the American War. But it seems as though Bombay is not a bit wiser by the lessons of past experience. We are no converts to the theory of Mr. Stanley Jevons, but if what that ingenious *Savant* and Political Economist urges in support of his theory of the connection of variations of spots on the sun's disc with recurring periods of commercial crises has any foundation in fact, this incontestably impoverished country can ill afford to stand a periodical repetition of such calamitous visitations. We hold, however, that, inscrutable as the ways of Providence are, there is much in these periodical commercial disasters which, by the exercise of ordinary human foresight, care, and prudence, may be averted in a great measure. Such disasters are, as we find from past experience, unquestionably due to inflation of credit, and the consequent temptations to over-trading, followed by its sudden collapse in adverse circumstances. While English rule in India boasts of the unprecedented development of the commerce of the country, it has fostered, one cannot help thinking that the English banking system and the introduction of English Joint Stock Companies amongst us are, to a large extent, responsible for that spirit of gambling or speculative ventures amongst commercial men which lie at the root of all monetary crises. The Englishman in India, from the moment he sets his foot on the soil of the country, is seized with a desire to get rich in the shortest space of time so as to be able to retire in middle age on a handsome fortune, and enjoy it in his native land. Every facility of communication has added to this desire, and rendered his stake in the country less permanent. To carry out this most cherished wish of his heart, the monetary institutions of the place afford facilities which have a direct tendency to encourage reckless trading. And the native merchant catches the contagion, and follows the exam-

ple of his European brother. For seven years or so, the house of Nicol and Co. enjoyed unusual facilities for carrying on in Bombay, Karachi, Gujarat and the Deccan an extensive export and import trade, though the partners in the firm, as is now found, had lost all their capital, and possessed not a rupee which they could call their own. They were able to float their bills in the money market as easily as the Rothschilds and the Barings do in London. One of the partners of the firm was Chairman of the Bank of Bombay, on whose vast resources he could operate for the benefit of his firm. Hardly a single Exchange Bank showed any reluctance to purchase his firm's paper. The Oriental Bank alone is found to have bought their bills for a very modest sum of about eight lakhs ! The position of the firm as Agents of the Mofussil Company afforded them opportunities for speculating largely in cotton and other produce. In connection with the British India Steam Navigation Co. also, of which the firm had the agency, extensive merchandiaze used to pass through their hands into Bombay, Karachi, the Persian Gulf, and Arabia. Who could suspect for a moment that such a firm would come to grief? And how many native depositors of the firm rue the day when, tempted by high interest, and dazzled by the firm's connections and business capacities, they persuaded themselves to deposit their earned savings with the firm! Wealth exacts its homage in every society in the world, and it would be strange if it did not do so in a society so essentially commercial as that of Bombay. But even a commercial community ought to have its code of morality by which it should approve or condemn the actions of its members. It may be that it is frequently difficult to see exactly the point where legitimate business ends and gambling begins, but the habitual gambler cannot be difficult to discover. In Bombay, however, society has come to such a pass,—if it is not accurate to say that it has been so much demoralized,—that greater homage is paid to the gambler than to the man of legi-

timate business, who earns his every pice with the sweat of his brow. The greater the scale on which the gambler's speculations are carried on, the greater are the facilities he obtains from the local monetary institutions, and the greater in its turn is the stimulus to overtrading and reckless ventures. All he has to do is to keep up a show of a vast possession of wealth. If his speculatons succeed, he is praised for his enterprise, his boldness, and his business capacity. If his ventures come to grief, what then? Why, it is his creditors that suffer. The opinion is becoming general in India that English legislation favors the gambler, the insolvent debtor, and the wrecker of other people's fortunes, at the expense of the legitimate business man and the creditor. Is not all this illustrated in the case of Nursey Kessowji whose colossal speculations in cotton, opium, rice, wheat, jute, joint stock shares and every conceivable article of trade that he could lay hold of, have brought the business world of Bombay to its present pass? If he had not received the amount of credit that he secured from the local banks and shroffs, much of the present misfortune that overhangs Bombay would certainly have been avoided. Nursey Kessowjee chooses one day to work up the opium market, and outbid even the Sassoons in his purchases of Malwa opium. The Exchange Banks are at his service to give him lakhs upon lakhs on his shipments. Then it suits the fancy of Nursey Kessowji to buy up all the rice in Bhivndi, Kullian, and in the whole of the Tanna Collectorate, nay, even in Calcutta. And there is the Bank of Bombay at his back ready to advance money on his fifty or eighty thousand bags of rice. If prices rise, Nursey gets the benefit of them. If they fall, the banks suffer. What a fine thing for Nursey! It was scarcely possible that such an unhealthy state of things could last long. The day of reckoning *did* come, and Nursey Kessowji suspended payment on the 28th December, 1878. The commercial disasters in Bombay, however, would not have

been so overwhelming and so far-reaching, as they have been, by the simple failure of Nursey Kessowji, had not Nursey Kessowji been Secretary, Treasurer, and Agent to the four big cotton mills in Bombay, viz :—the Alexandra S. and W. Company's mills, the Colaba mills, the Fleming mills, and the Nursey mills; had he not been permitted to borrow from the public in the name and on behalf of the four coumpanies enormous sums of money; had not the Directors, in the teeth of the Articles of Association of some of the companies which restricted him in the use of these Companies' funds to Rs. 5000 at a time, consented make a him banker of these Companies; and had not these Directors thereby permitted him to misappropriate vast sums belonging to the several Companies for his private speculations. We know of no other Companies of which the Agents or Directors have been so wilfully negligent of the interests of their shareholders or of their creditors as the Directors of these Companies have shown themselves to be. They were put on their trial before the Presidency Magistrate of Bombay on charges of criminal breach of trust, criminal misappropriation and cheating, but through the technicalities of English law, they had the benefit of all that English law concedes to criminals in case of doubt.

These events have culminated in the present crisis. The aggravating circumstances in connection with them, deplorably bad as they are, must, however, be considered as exceptional cases. The real causes of the crisis lie far deeper. For the last three or four years the general complaint amongst commercial men has been that trade is bad and unprofitable. There has been keen competition in all branches of industry, and competition has reduced profits to a minimum. Importers find they can not move off goods on hand unless at heavy concessions in price, while Manchester keeps on pouring into and glutting the markets of India with goods, which are really not wanted. The inevita-

ble result is depression and loss. In making remittances to Europe, again, exchange has been most unfavorable the item of loss there by ranging from 22 to 25 per cent. Exporters see no margin of profit in shipments of produce to England, owing to its limited quantity and high prices. Cotton, for instance, has ruled higher in Bombay than in Liverpool, and in the interior markets higher than in Bombay. Until lately the war in Europe between Russia and Turkey exercised a depressing influence on trade. The causes which have operated on the general course of trade have, in an especial manner, affected the mill industry in this Presidency. A home industry like the cotton mill industry depends very much for its healthy or unhealthy character on the prosperous or distressed condition of the people generally. It is healthy when crops are abundant and supplies of food cheap, when people do not suffer from famines, and when consumption of goods is large. Adverse circumstances of course affect the industry adversely. When cotton mills were few in Bombay, and the price of raw material low, all the goods they turned out found ready demand in the local markets at prices which left a very fair return to shareholders in mill concerns. In spite of many drawbacks as to first costs and first disappointments attendant upon all efforts to work the mills successfully, it was found that the industry, if carefully and economically managed, had a fair chance of proving remunerative to shareholders and beneficial to the country. The prevalence of low prices of cotton and other produce, and abundant supplies of food grains throughout the Presidency, enabled Mill Directors to declare good dividends to their shareholders. These circumstances helped to make this industry very popular with the capitalist class at a time when trade with foreign countries held out no special inducements. The idea soon took a firm hold of native capitalists, and competition stepped in to develop it, but being carried too

far this same competition has ultimately resulted in making cotton the most unhealthy industry in the Presidency. The year 1874 gave birth to some 24 projects for establishing additional cotton mills. Of these only two projects were laid aside, but the companies which were pushed to work added about 5,00,000 spindles and 4,000 looms. It was thought that there was ample scope for all the additional goods which would be turned out by the new mills. Many people at the time considered this sudden and large development of industry a very unhealthy sign, especially so, because they had all one common object in view, namely, to spin coarser yarns and cloths. None of them went out of the beaten track. None of them sought to work in new directions. None of their promoters ever paid thought to the considerations that India would be afflicted with famine in the future as she has been in the past; that the consumption of goods would not be able to keep pace with production; that it would be a work of time before foreign markets which India commands would receive Indian goods in preference to English manufactures; that the one groove in which all tried to move would only have the effect of killing the industry, that the diversion of an enormous amount of floating into fixed capital in the shape of buildings and machinery would cause a strain on the circulating capital of the country for which the resources of the country were wholly inadequate. These considerations had hardly any weight allowed to them by the sanguine promoters. Shares were largely taken up; companies were floated in the market; and before a single brick could be laid, or order sent to Europe for machinery, the shares of these new concerns were quoted at premiums, the manufacture of which gladdened the hearts of promoters for a time. Thus were started the Khatao Makanji Mills, the Central India Mills, the Nursey Mills, the Goolam Baba Mills, the Madras S. and W. Company, the Madras United S. and W. Company, the Anglo-Indian

S. and W. Company, the New Colaba Mills, the Colaba S. and W. Company, the Hindustan Mills, the Hyderabad S. and W. Company, the Manchester and Bombay Mills, the Mandavi Mills, the Mazagan Mills, the National S. and W. Company, the Neriad Mills, the Nicol Mills, the Prince of Wales S. and W. Company, the Sassoon Mills, the Sholapoor Mills, and the Coorla Mills. But a cotton mill is not put up in a day. Capital has to be called up. Building takes time. The machinery has to be ordered from England, and to be landed in India, and properly fitted up. Formerly, when machinery had to be shipped by the Cape route, it generally took four or five years to put a cotton mill in working condition. But now by the aid of the telegraph and the Suez Canal, most of the mills projected in 1874 were ready for starting, and many of them began to work in 1876. Their financial position, however, was somewhat unique. Scarcely any one of the new mills had shareholders' money for service as floating capital. This had accordingly to be borrowed. The first costs of hardly a single mill were within the margin of its subscribed capital. Almost all mills had their first costs largely in excess of the estimates. This left a gap in their capital account. But certain companies had to contend against another difficulty arising from the full number of its shares not having been taken up. Meanwhile a revulsion of feeling set in in regard to mill shares, and the disinclination to invest in them became greater as the enforcement of calls through courts of law became more and more common. Such companies had to choose between the lesser of two evils, —either to close the concerns altogether, or to raise funds by borrowing. The former course was thought detrimental to the interests of the general body of share-holders, but as the sequel has shown, it would have been a far safer course than the one actually adopted. Mill property, however, had not sunk so low in public estimation then, as it has at present, and

loans for fixed periods of six or twelve months were freely offered. Recourse was accordingly had to borrowing on capital account under, we must admit, the full expectation of paying the loans off from the working profits, for which there was then every reason to hope, since, during the whole of 1875 and also in 1876 the Mill Companies paid very fair dividends to their shareholders. The rate for 20s yarn in that year was 9⅛ annas, whereas cotton ruled between Rs. 156 and Rs. 163 per candy. Throughout the year 1876, the price of yarn fluctuated between 6¾ and 7 annas, while cotton stood at an average of Rs. 165 per candy. In 1877, however, began the season of scarcity in Southern India, and though yarn maintained its price on account of a steady demand from China, cotton rose to Rs. 192 and 206 per candy. A fair working margin was still left to the spinner and several mills paid dividends to their shareholders. But the dearness of food told sensibly on the condition of the people in Southern India, as the drain of silver coins and silver ornaments sent to be melted in the Bombay Mint in 1877 abundantly shows. The year 1878 was worse than its predecessor. There was another famine, not confined, as in the previous year, to Southern India, but spread over North India, and the whole of Gujarat and Kathiawad began to feel its effects. The last rainfall has been fitful and excessive, and all the afflicted districts have equally suffered from it. Thus a succession of unfavourable seasons has deprived the Bombay spinners of the best markets for their manufactures. But while on the one hand the course of trade thus presented a formidable out-look, the mills in Bombay on the other, were worked at full power and for full time during the whole of 1878. In vain did some of the millowners urge upon their brethern to place the mills on short time. If the proposal, made in January 1878, to stop the working of the mills for full two months, had been unanimously carried out, much of the recent complaint about heavy

stocks and over-production would have in a great measure become groundless. It is much to be regretted, therefore, that the proposal was not unanimously adopted. Accumulations of yarns and cloths increased, and led to a further depression of trade as the year passed on. But heavy stocks of goods on hand meant a lock-up of capital absolutely needed to be turned over. Money for the purchase of cotton and stores for daily consumption had to be found. Either the goods had to be sacrificed for what they fetched, or for this purpose recourse must be had to borrowing. This led to forced sales, and forced sales resulted in undue depressions. So recourse was had to borrowing as far as it was practicable. But credit had received such a shock that it was difficult to obtain loans, and when loans could not be had, the course adopted was to pledge goods and get money. It can easily be imagined that from such a state of things nothing but loss could result to the shareholders. Such of the mills as employed only their shareholders' capital without borrowing much from the public were able to pull through the adverse circumstances. But what of the concerns that had received deposits for fixed periods of 6 or 12 months on capital account and used them up for working expenses? Before the spread of distrust was general, the way in which most indebted mill companies managed to keep their concerns going was to pay Peter by borrowing from Paul, and in the end rob and ruin both Peter and Paul and the shareholders generally. This was all very well in ordinary times, but the sudden contraction of credit was a severe trial for companies, which lived upon a hand-to-mouth system of usurious loans as their only makeshift for circulating capital. It was plain they could not stand the pressure. Every delay in putting off depositors naturally made them more anxious to withdraw their deposits, and the prospect of not getting them back in the ordinary way put them in funk. Directors and Managers, on the other hand,

finding themselves hard pressed in some cases, mortgaged the mill property, which served only to put off the evil for a time. In other cases they saw no safer and better remedy to protect the interests of the general body of creditors than to apply to the Courts for an official winding-up order. Attempts to raise capital by putting the mill companies under voluntary liquidation, and forming new companies with increased capital, were made by the Directors of some concerns, but except only in one case where the attempt met with a partial success, such schemes fell through in almost every case, since no person could be got to take shares at the time. It was seen in the case of even the best and most favourable mill concerns that, during the last year, the profits in working them had dwindled down month by month till they reached a minimum during the latter half of 1878.

Now the losses which the investing and money lending classes have suffered from the collapse of the several mills, and the depreciation of mill property generally have been of a three-fold character, viz :— (1) losses suffered by holders of shares ; (2) losses suffered by depositors ; and (3) losses suffered by mortgagees to whom shares were pledged as securities, but which securities have either become valueless or been greatly depreciated. In the case of companies under liquidation, the general opinion seems to be that their shareholders have lost their all, and that their creditors can hardly expect to get back three-fourths of their deposits, and would be but too glad if paid 50 to 60 per cent in hard cash. The fall in price of shares of even some of the best concerns has been from 20 to 30 per cent. Our rough estimate of the total losses suffered by the investing and money-lending classes is between two and three millions of pounds sterling, a formidable figure for our infant mill industry to be deprived of. This vast loss has fallen principally upon Bombay, Surat and Ahmedabad. In these places

the losses have been felt most keenly, especially at a time when the chances of money-making are so few and far between. From the comparatively small number of failures which have been caused by such losses, however, one may form some idea of the elasticity of the resources of the people, and this is the only redeeming and hopeful feature of the crisis through which we are at present passing. At the same time it must be admitted that the distress they have occasioned has been so great that it will take the community a pretty long time to recover from it. By far the largest sufferers are the shareholders and depositors of small amounts in Nursey Kessowji's Mills.

It can, however, serve no useful purpose to brood over past mistakes and misadventures. If the investing public learns wisdom from the dearly bought experience of the present crisis, it will be a decided advantage gained. We are of opinion that there is nothing inherently bad or unhealthy in the cotton industry of India. If the newly started mills had been free from heavy debts, so much of their earnings as have gone to pay for interest would have been divided amongst the shareholders. It is the indebtedness hanging over the mill industry which has, temporarily as we believe and hope, crippled it. If it works free of this and other incumbrances to be shortly noticed, we have little doubt that, in spite of Manchester competition, in spite of many of the drawbacks that it has to put up with at present, it will ultimately prove to be a gain to the country, and not a source of anxiety or trouble. The great desideratum is a careful and strict observance of prudential checks. It should be the studied aim of the Managers and Directors of all these concerns to wipe off as soon as possible this blot of heavy indebtedness. If this is secured, most certainly a time will come when the working results will show fair profits. Let fixed sums be set aside to pay off, in the first place, debts on capital account, and then those for floating advances. Shareholders will

have to put up with smaller dividends for a time, but it will be a considerable relief to them to know that their property is unencumbered with debt.

We will now sum up the results of the foregoing observations in the shape of a few brief propositions. It will be noticed that the mistakes made in the development of this industry five years ago, and which have brought it to its present pass, are as follows :—

(1). That the scale on which it was proposed in 1874 to develop the industry was based on *speculative* ideas of the demand and supply of manufactured goods, and without a due calculation on the one hand of the effect which an increase of nearly double the manufacturing power of the country would have on the then existing demand for yarn and cloth, and on the other hand of such unfavourable circumstances as deficient rainfall, dearness of food grains and famines, which, in a country like India, may be expected as a matter of course, and which check materially the consumption of goods by the masses of the people.

(2). That it caused a disproportionately heavy diversion of capital from active circulation into a fixed form in the shape of buildings and machinery,—a diversion, for which, as the sequel has demonstrated, the country, or at all events, Bombay was not prepared. If one inquires where all the capital of the Bombay mills is gone, we have only to point for an answer to the buildings and machinery of the several mills in Bombay and up-country.

(3). That while such of the capital of the companies, as was expended in buildings,

cannot strictly be said to be wholly withdrawn from *active* circulation, though it changed hands, in as much as it found its way into the homes of the working classes of society in India, yet that portion of it which went to pay Lancashire for machinery, was no doubt a permanent withdrawal from capital in active circulation in this country.

(4). That the mode in which many of the companies were started and worked was not only unbusiness-like but faulty, especially in regard to the following points :—

(*a*). Certain companies were permitted to work which had not had their share-capital fully subcribed.

(*b*). In the case of almost all new mills, the actual cost of construction *invariably* exceeded the estimates.

(*c*). All new mills (with perhaps a rare exception) worked with borrowed money for working capital.

(5). That a general depression in trade caused by the Russo-Turkish war in Europe, by keen competion between manufacturers in England and India, and by successive famines which raged fiercely over the length and breadth of Southern and Western India, and in China, and lastly by the Afghan war, resulted in the loss to spinners of their best markets for yarns and cloths.

(6). That high prices of cotton and low markets for yarn left a very small margin of working profits.

(7). That the Bombay mill-owners erred egregiously in not taking time by the forelock by putting their mills on short time,—an

error which resulted in over-production and accumulation of stocks.

(8.) That this increasing depression led to a feeling of distrust on the part of the money-lending classes in Bombay and Gujarat who began to call back their deposits; that this distrust increased with the failure of Nicol and Co., and culminated in a panic on the announcement of the insolvency of Nursey Kessowjee and Co.

These are a few of the principal errors which have led to the present catastrophe. Bombay, Surat and Ahmedabad have been the principal sufferers. The practical question now is what lessons of prudence do these mistakes teach for safe guidance in future? Is it possible to avoid falling into similar errors again by means of legislative measures or change of mercantile usage? As to natural calamities, such as a deficient or excessive rainfall, and the consequent drought or famine, all we can say here is that the consideration of the means whereby such calamities may be averted is not the object of this paper. Our object here is to suggest such safe-guards as it is in the power of the law to provide. We think it high time that the Indian Companies Act should be amended so as to provide remedies against some of the evil practices which have been disclosed in the course of the present crisis. The Government of Bombay would do well, we think, before taking any action in the matter, to invite the views of the Bombay Chamber of Commerce, the Bombay Mill-Owners' Association, and other European and Native merchants whose judgment in such matters may be entitled to weight, and that such views should be referred to a committee of select gentlemen thoroughly competent to deal with the question for the purpose of providing remedies for the future. For our part we would suggest that the

amended Indian Companies Act should provide for the following:—

(1). The law should require that a uniform balance sheet be prepared by Directors of every Joint Stock Company at the end of every six months. Failure to comply with this requisition should be visited with penalty to the Directors and Managers or Agents.

(2). Such balance sheets should be accompanied with detailed statements containing full particulars of the principal items given in the balance sheet, under the signatures of the Directors and Managers or Agents who are to vouch for their correctness.

(3). The accounts should undergo a thorough audit from a committee of public auditors or professional accountants of known character and respectability, whose testimony expressed in writing should be held as a guarantee for their correctness.

(4). Sub-committees should be appointed from amongst the Directors for supervising the working of the various departments over which the operations of a Joint Stock Company extend.

(5). No Joint Stock Company should be permitted to incur debts on *capital* account without the Directors and Agents being held personally responsible for them.

(6). The borrowing powers of the Directors must be limited, and they should be exercised for the purpose of obtaining working capital only. The amount of such working capital should not exceed, in our opinion, one-third of the paid-up capital of the Company.

(7). If in consequence of bad trade, accumulation of stock or any other causes, there is need for borrowing a larger amount of capital than that permitted by law, the law should provide for raising such capital only on a sanction to that effect being obtained from the shareholders assembled in a general meeting.

(8). The Agents and Managers, Secretaries, and Treasures, should be strictly prohibited by law from holding in cash on account of their Company more than Rs. 3000 at a time. All sums of money over and above this amount should be deposited in a bank or with a banker of known respectability, appointed by the Directors after the previous sanction of the shareholders is obtained to such appointment. Failure to comply with this requisition should be treated as a criminal offence.

(9). That all monies on account of companies situated in Bombay should be drawn by means of cheques signed by the Directors of the Company, and countersigned by the Secretaries, Treasurers and Agents.

Other safe-guards may be added, but they will soon suggest themselves if the Government move in the matter. It will be remembered that after the crisis of 1865, the Indian Companies Act underwent a change. The disclosures made in regard to Nursey Kesowji's management, or rather criminal mismanagement, of four mills in Bombay, the frauds of the Directors of the City of Glasgow Bank in Scotland, and the failures of many Joint Stock Companies in England, have already drawn public attention to the subject both in England and India. The new law, so far as legislative wisdom can make it, should be such as to afford confidence to the mercantile com-

munity in the management of such concerns and deter Secretaries and Agents of Joint Stock Companies from a repetition of the scandalous and disgraceful frauds, the disclosures of which have shaken public confidence in the commercial morality of Bombay.

CURRENT LITERATURE.

"The forces of the Native States of India considered in relation to the defence of the Indian Empire" is an anonymous publication by a permanent well—wisher of India and England, who has thought it fit to dedicate the work to Sir R Meade, the present Resident at Hyderabad. We cannot understand why the author should have shrank from publishing his name. The question he has discussed is of such importance, and the interests concerned in it are so sacred and national in the true sense of the word, that we think it is almost a sacrilege for persons in the position of anonymous authors to meddle with it, without at the same time distinctly publishing to the world their claim to have a voice in the matter. The author states that he has on previous occasions received encouragement from Sir Richard Meade in the disquisitions and proposals he made referring to the armies of the native states of India. These disquisitions and proposals must have been of a confidential character, and placed at the service of the secret and political department which alone could appreciate their worth. We are not equally privileged in this matter, and must plead this excuse if we unconsciously commit any injustice to the author in our observations upon his present venture. We cannot bring ourselves to think that the author is a real well-wisher to the permanent interests of India or England. Even Englishmen of the most absolute and imperial instincts have not yet ventured to question the force of the treaties which bind the British power in India with reciprocal obligations towards the native states, and yet the author lays it down as a postulate "that treaties are merely the creature of circumstances, and that they should be changed with every accession of strength to suit the interests of the stronger power." Take away these

treaties, and we do not know where to seek for the legal force which will guarantee the continuance of the native states in their integrity. The author is a Russo-phobist, and has freely indulged his tendency to villify the Russians as if in their aggressive character they are greater sinners than the British nation, which now dominates over half Asia, and Africa, and America. His advice to the native states is that, as, in view of the Russian aggression, it has become necessary to increase the British army in India, the native states should hand over their own military establishments to the Paramount Power, and provide funds for their maintenance. The native states concerned are to require no guarantees, nor expect any concession of additional privileges for such a surrender of their treaty rights, but are to console themselves with the glorious reflection that armies, paid out of their funds, were employed in the conquest of Afganisthan and Persia. We could understand such a proposal if the British Government on their part showed its willingness to open the military service to the natives of the country, organized and armed the native militia, and allowed voice to the native princes in its councils of war and peace. The Mogul emperors did all these things, and the armies of the native states under the Mogul Empire were utilized by the then paramount power to the fullest extent. The British Government in India has not shown any disposition to give effect to these Mogul traditions, and yet Indian patriots of the author's stamp find it in their heart to propose that the Native States should cease to be self-dependent to the slightest extent. It is argued that the British Government has undertaken the defence of India against foreign and domestic enemies, and that therefore there is no occasion for fear. It is conveniently forgotten that the British army is not a national army, the native portion of it being entirely mercenary. The armies of the Native States are on the other hand for the most part national armies. Badly armed and

badly disciplined as they are, they constitute no danger to the Paramount Power, and as the mutiny of the sepoys showed strikingly, they constitute the best bulwork of the Native states as much as of the British power. The whole population of India is disarmed and demartialized with the inevitable effect that there is no spirit of combination or resistance to foreign aggression left in the country. War is a game of chance, mishaps will occur to the best trained armies, and it can never be for the permanent interests of native and British India that we should be completely at the mercy of Russian aggressors, the first moment that the frontier army suffers a reverse. The armies of the native states stand in the place of the only milita, the country in its present circumstances can afford to keep. They are the reserve of the great British force in India. The author, as is but natural, has no admiration to spare from his worship of the present government in India and England for the right-minded leaders of the opposition in Parliament. He out-herods Herod in proposing that the more Anglicized provinces in British India should be carved out into hereditary kingdoms for English princes, and that the sublime Parsee race, to which he apparently belongs, should be allowed under British protection to extend their conquests from the Red Sea to the Caspian, and from the Mediterranean to the Indus, and that ill fated Turkey should also become the eldest sister of India. It is useless to argue upon such a great question with a mind so predisposed. Once the native states are made to surrender their armies, the entire social fabric of those states, which is essentially feudal and military in its nature, will be shaken with it, and, from one end of the country to the other, there will be a dead level of millions of souls incapable of organization and growth. This will be a calamity greater by far than the dismantling of our forts and the disarming of our population. Parsee writers on politics cannot be expected to understand the force of these considerations, but

they have absorbing claims upon the highest sympathies of the Hindu and Mussalman races, who cannot but wish that they will be saved from Parsee politicians of the author's type.

"The report on the Political Administration of the Rajpootana States in the year 1877-78."—A careful perusal of this report has interested us greatly, and enhances our esteem of its author, Major E.R.C. Bradford C. S. I., officiating Agent to the Governor-General in Rajpootana. We find in him a totally different Political officer from the general run of those who adorn the Foreign Department of the Government of India. He appears to be inclined to call a spade a spade, and to be a sincere well-wisher of Native States.

There is a good deal of information in this report which we should like to see carefully explained to several of our Princes, and with equal care considered by many of the brother officers of Major Bradford's service.

We will place before our readers a few of these points. In the internal management of the Native States, a certain degree of independence has been secured to almost all Native States by the provisions of treaties which are still extant, and which were entered into by these states with the British Government some years ago. The question whether these treaty engagements are still binding on the British Government has been often vainly asked, and no authoritative answer has yet been vouchsafed to this question. We maintain that these treaties are still as sacred and binding as ever, especially against the stronger power, notwithstanding the altered situation of the contracting parties. There is, however, only one limitation, namely, that the interests of the royal houses cannot be allowed to outweigh the interests of the native states and of their subjects, nor to sanction a policy of masterly indifference when misrule is rampant, and anarchy is threatened. We see in the report we are

reviewing some attempt towards defining the nature and extent of the interference which is warranted by the exception noted above, especially in the case of those native rulers who succeed a British Regency in the administration of their territories. Major Bradford says that His Highness Maharao Raja Mungul Sing of Ulwar was invested with the full administration of his state *on the understanding that for the present no step of material importance would be taken by him without the cognizance and general assent of the Political Agent, and that no important measure passed or action taken by the Council during the minority would be reversed or disturbed without that officer's concurrence.*" The Italics are ours. These precautions and guarantees are enforced in the interests not of the Paramount Power so much as in those of the States themselves. They follow necessarily from the fact that the British Government holds itself responsible for the well-being of the people governed by Native States. There is no hardship in such a requisition, and we wish other Politicals than Major Bradford were equally plain in their dealings with the minor Princes connected with them. The deposition of H. H. Malharrao Gaikwad of Baroda was intended to be a lesson and a warning to all Native Princes on this head. He was not deposed because of his alleged complicity in the attempt to poison a British Resident. That absurd charge was disproved by the evidence, and by the votes of the majority of the judges who tried him. Even the Secretary of State held that he was entitled to be acquitted on that charge. Having been, however, proved to be a bad sovereign, it was thought that he could not be allowed to rule over Baroda, and he was therefore pensioned. Major Bradford explains what constitutes bad government in a Native State in the eyes of the British Government. He says that the dismissal of old officials, the resumption of the hereditary holdings and charitable and religious grants, &c. form the elements of gross misrule on the part of the chief. He then describes

what is absolutely necessary in the eyes of the British Government to constitute a good ruler. He says, "A regular body of Police was formed, a court of criminal justice with clearly defined powers was instituted, the civil courts were placed on a proper footing, while the more lawless of the Meena tribe were brought under restraint, and have settled down to agricultural pursuits. Very useful reforms were introduced into the Accounts Department, the method of keeping accounts revised and a regular but simple budget system was introduced. Order and method were introduced into the Land Revenue and Customs Departments to the benefit both of the state and the people. Much attention was also bestowed on the Educational Department, while the efficiency of the Dispensaries and Vaccination Establishment was promoted." This appears to us to be a very good lesson for Native Chiefs. At any rate they can understand from this what is the British definition of a good Government. In Major Bradford we see a Political not belonging to the caste of Politicals. He is open to conviction, and is bold enough to call a spade a spade. While all the power and ingenuity of the British Government have failed in forming a decent police in their territories, and while thousands are being deprived of property in their territories for which no compensation whatever is made to the sufferers. the Political Department in Rajputana and Central India maintains a rule, that in almost all cases of thefts reasonable compensation shall be awarded to the sufferers on sufficient proof of the theft. Only the robbery must be alleged to have taken place within the limits of Native States, and not in British territory, and the Political officers immediately take steps to see that compensation is paid by the native states concerned. This rule encourages needy no bodies to enter the territories of natives states and allow themselves to be robbed with a view to obtain necessary funds for subsistence. We know that this rule has

been working badly in many states, and that it is wrong in principle and fraught with many injuries. It is nevertheless upheld, Native States of course being unable to obtain a hearing against the views of the Politicals. It at last fell to the lot of Major Bradford to expose to the view of the Government and the general public the inquity of this rule. He observes that "the hope is, I trust, not an idle one that the objectionable system of compensation may before many years give place to one more in accordance with our own. The system does not result in enforcing good Police arrangements, for in most cases offences are committed in the land of some powerful Thakoor or Sirdar, who it must be remembered, is not represented in the court, and, as a rule, the compensation, if an award is given, is not at once taken from the place of occurrence. It is paid to a plaintiff by the treasurer who recovers it, sometimes after a long interval, from the Durbar, which in its turn endeavours to recover the amount from the Thakoor or sirdar, but more often than not merely adds on the amount to an already large claim against its feudatory, comprising fines and other items, which probably is never settled. In the meantime no steps are taken to improve the police, and prevent crime within the Thakoor's jurisdiction." He then mentions a case in which the false swearing of one caused a wrongful loss of 12,000 Rs. to an innocent village named Pertapgur. This reminds us of an anecdote which we lately heard from an Englishman some years ago of a robbery which took place in the North-West corner of the Central Provinces. The British Police, having to account for it, reported that the tract in which the robbery had been committed was not within the limits of the British territories, but in those of Maharajah Scindia. The Maharajah's government in vain protested that the robbery had not been committed in his territories, but in those of the British. He was made to pay compensation which he did with reluctance. Fortunate-

ly for him this tract of land, which was a few miles away from his limits, became in course of time a valuable forest-land and was claimed by him, and the British Government had not a word to say against the claim of the Maharajah to it!!

We wish all success to Major Bradford in his laudable attempts to substitute a system more in accordance with our own for the objectionable system of compensation now in use.

"Rishi"—This is a small poem by the learned author of the Shaddarshana Chintanika which he has dedicated to Professor Max Muller. It seeks to depict the life and character of the early Aryan settlers of whom the Rishi was the pioneer and leader. The interest of the book consists in the fact that the learned author has embodied in every line of the poem the spirit of the best hymns of the Rig Veda to which references are made in the foot notes. The belief that at the time of the Vedas the Aryan settlers in India deified and worshipped the powers of Nature, and had not learned to raise their minds' faith from Nature to Nature's God has taken strong hold upon a certain class of people who take their views from European writers on Indian philosophy. This small poem with its numerous references will be found very useful to correct this mistake. At the same time we must be allowed to express a doubt whether the philosophising and soliloquizing Rishi could be accepted as a correct description of the leaders of the many Aryan tribes who settled in India. The abstractive mood of mind was uncongenial to the hard necessities of the first settlers who were constantly engaged in struggles with the Dasyas. The Rishi was a later development when the settlers had established themselves in power and had founded large kingdoms. Right thoughts, right feelings, right speech as constituting the highest Tapa is a doctrine which, though carried to excess by the

Budhists, was also the chief glory of the great Aryan movement. The author of the Rishi appears to us to have mixed up the two ideals—the Aryan pioneer, settler and conqueror whose virtues were all of the active and not meditating kind, and the great thinkers of the subsequent period. There is however no doubt that the Rishi, as portrayed in this poem, is not a myth. He was a great verity, and the impress of his spirit is an heritage which the Hindoos to the remotest times will do well to cherish as their most valued possession and the source of all that is good and full of life in the spiritual faith of the country.

NOTICE TO CORRESPONDENTS.

"The author"—Too late for insertion in the current number. We shall see about it in the next.

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OPINIONS ABOUT THE JOURNAL.

We have received the "Quarterly Journal of the Poona Sarvajanik Sabha" for the last four quarters. The numbers are well got up, and appear to be carefully edited. The Bombay famine forms the chief subject dealt with in most of the numbers, and the able papers in which the policy of the Government was criticised at the time are not altogether unknown to our readers, copious extracts from them having been published in our columns, and the Government itself dealing with them in memoranda to which publicity was also given in due course. It is the fashion to assume that the "Sarvajanik Sabha" is a seditious, if not a secret society, but an impartial survey of the papers in the four numbers which now lie on our desk, leaves us unable to discover any ground for the impression which appears to prevail in some quarters. Different Government measures are very freely criticised, and the criticism is very thorough-going and effective, but we do not see anywhere evidence that the right of the Government, to the obedience and support of the population is called in question: on the contrary that right is implicitly recognized throughout, and in a remarkable passage of an article on the censorship of the Vernacular Press—a subject calculated to elicit all the bitterness which may be supposed to exist in the breasts of the members of the Sabha—theBritish Government is contrasted, greatly to its advantage, with that of Russia, and is spoken of as "the one Government which is capable of raising India in the rank of nations."—*Times of India.*

The first number of the *Quarterly Journal* of the Poona Sarvajanik Sabha is before us. It consists partly of official correspondence of the Sabha and partly of original papers. The present number contains much interesting correspondence regarding the Famine. Of the independent papers that on the Vernacular Press Act is well reasoned. The idea of this *Quarterly Journal* is good. The *Journal* is edited by Mr. S. H. Chiplonkar.—*Hindu Patriot.*

The much-expected quarterly journal of the Poona Sarvajanik Sabha has come out at last. We have been favored with a copy,

The first number contains two valuable papers on Famine and the Press Act. We wish our new brother every success.—*Amrit Bazar Patrika.*

The Sarvajanik Sabha promises to be as useful in Western India and the Deccan generally as the British Indian Association has been in Bengal. Its latest service to the community is the establishment of the "*Quarterly Journal* of the Poona Sarvajanik Sabha." It is published under the authority of the managing committee, and is edited by S. H. Chiplonkar.

We wish this new venture of the Sarvajanik Sabha great success.—*Madras Times.*

The managing committee of the Poona Sarvajanik Sabha having determined upon the publication of a quarterly report of the proceedings of that Society, have just issued the first number; a copy of which we have been favored with. It seems to us that in taking this step the Sabha has acted wisely, and will by doing so, confer a real benefit upon the country. The pamphlet before us containing 96 pages, is more voluminous by about one half than is intended in future numbers, which will be confined to within 50 pages. The printing is excellent, and the whole get up of the book is creditable to those who have had the care of its management. In praise of the matter it contains, and the manner in which that matter is conveyed to the reader, we cannot speak too highly. It is philosophically argumentative, and expressed in the purest and most elegant English that can be employed. The pamphlet—or book in this instance we ought rather to call it—opens with a letter addressed by the Sabha to the Government of India on the subject of the "Famine Commission." Did it come within the scope of our limited power to induce all who take an interest in the progress of India, to read and study this letter, we should assuredly do so. It evolves truths so cogent, that, if we can do no more, we may at least commend them to those whose duties will be engaged in these enquiries. As we purpose taking an opportunity of referring more fully to this letter, we for the present leave it. There follows this letter, a lengthened, but deeply interesting series of reports from the agents of the Sabha, apointed for this purpose in the outlaying districts of the Presidency, and whose reports appear to serve as a wholesome check against the more crude and

speculative estimates arrived at by the Government representatives. We then come to the famine article, preluded by naratives of that fearful visitation, which painful and tragic as they are, wear yet the unmistakable stamp of truth, and are derived from sources beyond the reach of the enquiries compassed by the Government. Though least among the subjects brought to notice is that of the censorship of the vernacular press. The subject is now being torn to tatters in the Mother country, and we are not without some faith in the likelihood that, those fragments will even yet be whistled down the wind. Be this however as it may, the article under notice will not be read with any the less interest, whatever may betide the efforts now being made in England to reverse an Indian law, so diametrically at variance with the honest liberty that British subjects have hitherto held to be their proudest and most carefully guarded right.—*Indian Spectator.*

The first number of the quarterly journal of the Poona Sarvajanik Sabha is out and judging from its contents, the journal promises to be a powerful critique on matters of importance to this Presidency as well as to the Indian public at large.—*Native Opinion.*

ELPHISTONE COLLEGE, *April 18th* 1879.

MY DEAR SIR,

I have been a subscriber to your Journal, and have watched its progress with some interest. The objects which the Sarvajanik Sabha has in view are most commendable; and I do not think that you are at all open to censure for the mode in which your views and aims have been brought before the public and the Government. It is becoming increasingly obvious that the affairs of India will attract much attention during the next few years, and I think that much greater attention will have to be given to the ideas and wishes of the native public than has yet been done. It may often be the case, as I believe it is, that those ideas and wishes are erroneous or impracticable; but on the other hand it must be remembered that the success of the Indian Administration, if we take as our standard the condition of the finances and the temper of the people, has not been so decisive that it can afford to dispense with the counsels or criticism of those whose interests it professes to defend. If I were an administrator I should value very highly the assistance which your representations on the Irrigation Bill or

the condition of the ryots would give me. Too often the English administrator sees only the external facts, and not even all of those, while he remains in ignorance of the motives, the feelings and internal facts which his action affects. Your Journal has certainly thrown some light on these internal factors; and its collection of evidence relating to the famine was most instructive. I wish you every success in your undertaking and shall be glad to see your journal during my absence in England.

Your's sincerely,
W. WORDSWORTH,
Principal Elphinstone College
Bombay.

TANNA, 3*rd June* 1879.

MY DEAR SIR,

You ask me for my opinion of the first four numbers of the "Sarvajanik Sabha Quarterly Journal." I have, on the whole, been much pleased with the Journal, and think that it will serve to the public good, if it continue to be edited as intelligently, loyally, and in as public spirited a tone, as at present. The danger is, lest it degenerate into an organ of the querulous and discontented, but I do not fear that this will happen, while your society continues under the direction of such men as at present form the Committee.

Believe me,
Dear Sir,
Your's truly.
W. M. COGHLAN,
District Judge.
Tanna.

AHAMEDNAGAR, 19*th June* 1879.

MY DEAR SIR,

In reply to your letter I beg to state that in my opinion institutions like the Poona Sarvajanik Sabha supply a very important need, by giving expression to local wants and wishes. There is an excellent proverb which declares that no body knows where the shoe pinches but the wearer. The maker of the shoe may be a great artist, but nevertheless it is essential that he should know what are the feelings of the wearer, however simple a person he

may be. So it appears to me that the Sabha may perform a great part by interpreting between the rulers and the ruled, by letting Government know the wants of raiyats, and by making intelligible to the raiyat the methods by which it is sought to improve his condition. Such co-operation will materially assist Government in their "renewed efforts to promote the contentment and happiness of the people."

Your's truly,
W. WEDDERBURN,
District Judge.
Ahamednagar.

POONA, 23rd *June* 1879.

MY DEAR SIR,

You have asked me to make some remarks on your Quarterly Journal and if in doing so, I confine myself to a single paper, you will understand that I have restricted the scope of my criticism in order to deal with the one among many subjects treated of in your publication in which I feel the most interest.

In the article on Maráthá Bakhars and Grant Duff's History you make a promise which I shall gladly see fulfilled. You say that it is your intention to bring out translations of portions of as yet unpublished Chronicles, and to contrast these with the account given of contemporaneous events by Mr. Grant Duff. It is my belief that no undertaking can be more deserving of success than such an one if it is patiently and fairly carried out.

In giving my reasons for such a statement I must at first cast about a little. In schools the plastic minds of boys receive these first impressions which endure and which should beneficially determine their thoughts for life—provided, that is, that their school teaching and home teaching are not antagonistic, for in such case they are driven too early to criticize and disbelieve in either the master or their parents and friends. It is not right that boys should be taught one history at school and another at home: and yet this is what really happens to them in this country, though their home political instruction may not be based on a very matter of fact history.

If we proceed to examine what happens to the boys when they have grown up and are taking their part in the world, we shall

find that the same divergence exists between the great mass of published books they may have access to and the spoken words of the people they may hear. For up to quite recent times, have there not been two distinct modes of thought expressed through two distinct mediums? On the one hand a minute observation of the past and present, a critical sifting and resifting of every statement made after such observation lest passion should tend to obscure the final judgment, and the medium the printing press. On the other hand tradition, poetry or romance, unfettered partisanship, a disregard of ought but a shadowy past which tends to mislead the mind in the present and the medium the spoken or the written word. It is but lately that the natives of this country have taken to the press and that under unfavourable circumstances. It is sometimes expected of them that they will at once make a wise use of a huge engine, though all nations that have hitherto employed it have taken long to learn how to turn it to moderately beneficial ends.

The time must come when in the East publicity will be as great as it is in the West, and the consequent mental or rather moral discipline will ensue. But, meanwhile, we welcome each step that is wisely taken and of free will to reconcile what has been said or written from one point of view with what has been printed from another. Such a step I believe the publication of Bakhars to be.

Believe me,

Yours very truly.

F. A. H. ELLIOT.

Governor and Guardian

to H. H. the Maharaja of Baroda.

St. Thomas Mount.

Madras, 28*th June* 1879.

My dear Sir,

I request that I must beg you to excuse me from complying with your request for my opinion on the working of the Poona Sabha and on its published proceedings. I feel honoured by your request, but I do not feel at liberty to give my opinion, whatever it be worth, on a political association for India. So far as the Sabha aims at representing the public and expressing its opinion on social matters, at giving unity to feeling and thought amongst the educa-

ted people of Western India, at extending to a national sphere the spiritual power at present confined to each narrow caste-circle—it has my best wishes. I read its Journal with pleasure as it is intelligently edited and appears to record the opinions of thoughtful men. I have the greatest respect for the free expression of public opinion ; its worth is the true test of its legitimacy. On the other hand I have no faith in any form of parliamentary government, in any system where temporal power is wielded by so-called representatives of the people ; the very bad results invariably attending this system are the proof of its illegitimacy. I hope the Sabha, which acknowledges "a popular elective system" in its constitution, will never make the mistake of having its title to consideration on its election or on anything except the results of its work.

Yours obediently,
EDWARD NICHOLSON,
Surgeon Major R. A.

Poona, 1*st July* 1879.

My Dear Sir,

I have much pleasure in complying with your request to give you my written opinion on the merits of your Quarterly Journal, and on the work of the Sabha as shown by its proceedings published in the Quarterly. As a subscriber to the Sarvajanik Sabha's Quarterly Journal, I have read the journal, in the first place, with much interest as the literary organ of the highest native association in this Presidency. I can speak in terms of unqualified admiration of the literary character of your journal. The general articles which have appeared in it have been on questions of the greatest national interest; these questions have been treated in a spirit of enlightenment and large mindedness which have surpassed all expectation; and the style and thought of the discussions have reflected the greatest credit on the intelligence of the Editor. I have read the journal, in the second place, as the political organ of the association. The proceedings of the Sabha, as published in the journal, have uniformly evinced a spirit of intense patriotism and of unfeigned loyalty. These proceedings have furnished important information and statistics on many subjects on which the public, European and Native, have no other source of information so full, authentic and reliable. The journal in this respect has become a

necessity; and I trust the Sabha will receive encouragement to continue its publication in the same literary character and political spirit; and if possible to enlarge its usefulness and influence.

Yours very truly,

ALEX. G. FRASER,

Railway Magistrate Poona.

Printed at the 'Dnyan Prakash' Press.

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POONA SARVAJANIK SABHA

Established for representing the wants and wishes of the inhabitants of the Deccan, being appointed on a popular elective system under rules framed for the purpose.

NAGARKAR'S WADA, NEAR VISHRAMBAG.

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PROCEEDINGS OF THE SABHA.

A LETTER TO THE SECRETARY OF THE FAMINE COMMISSION ON THE SUBJECT OF REMISSIONS OF THE LAND ASSESSMENT.

SARVAJANIK SABHA ROOMS,
Nagarker's Wada, near Vishrambag.
POONA, 18*th May* 1879.

MY DEAR SIR,

With reference to your letter of the 22nd ultimo I feel great pleasure in being furnished with this opportunity to submit the following explanation to the Famine Commission on the points referred to in your letter under reply. The two points raised in your letter under reply relate respectively to the Bombay Presidency and North Western Provinces. I shall first endeavour to substantiate the position taken in the Sabha's fourth Famine Narrative, that in the Bombay Presidency in cases of previous partial famines Government had granted remissions of revenue.

1. In connection with this point your letter under reply raises two other sub-issues, one referring to the general policy of the Bombay revenue system, and the other to the actual practice of the Local Government. With regard to the former of these you say that you understood the view of the Bombay Revenue Officers to be that the essence of their system of assessment is that remissions should not be granted. With all due deference to the high authorities who have communicated their views to you, I beg to submit that this position is not borne out by the recorded resolutions of the Local Government and the still more satisfactory evidence of its actual practice. Without adding any words of any own I shall forthwith adduce proofs from the recorded resolutions of the Local Government and leave them to speak for themselves.

2. Soon after the introduction of the Revenue Survey into the Bombay Presidency I find that the Local Government issued the following resolution for the enlightenment of its Revenue Officers :—

> " One of the great objects of the new Survey is to deminish the necessity of remissions ; *to remove it altogether is not to be expected* until the condition of the Ryot shall be raised by a continu-

ance of light assessment and an efficient system of management."

The foregoing resolution was recorded by the Local Government on the 27th April 1841 upon the Jamabundi report of the Collector of Sholapoor for 1839-40. Even when the pressure of the land assessment was acknowledgedly very light, the Local Government laid down the principle that remissions could not be done away with altogether, and I cannot understand how the same principle can be repudiated at a time when the pressure of the land assessment is not only felt to be very heavy, but is even admitted to be so by many experienced Revenue Officers of Government.

Again in another resolution reviewing the Jamabundi report of the Surat Collectorate for the year 1848-49, I find the Local Government write as follows :—

It was much to be preferred that large remissions should have been granted than that heavy balances should have accumulated."

Had the essence of their system of assessment been that remissions should not be granted, as the Bombay Revenue Officers have given you to understand, we may rest assured that the Local Government would never have taken up the position and inculcated the principles we find it doing in the two resolutions quoted above. (Vide Mr. Nairne's "Hand-book for Revenue Officers in the Bombay Presidency" published by him in 1872). It will be thus seen that the resolutions in question are not obsolete but have even now all the force of Government sanction. Before dismissing this point I should like to draw your attention to a resolution of the Local government issued as late as 1867, that is, two years after the Bombay Survey Act (Act I of 1865) was passed, and after the introduction of the revised assessments in some of the Deccan districts. The resolution lays down in the spirit of the two foregoing resolutions :—

"Permanent and entire remissions should only be granted in cases of complete failure of crops and in villages which have been subject to a succession of bad seasons. In other cases partial remissions coupled with a postponement of the remaining Government demand or part of it may be sanctioned. Individual inquiries should as far as possible be avoided, and measures of relief as a rule applied to entire villages. In Talookas where the assessment is every light the Ryots ought to be able to meet deficiencies in occasional bad years."—G. R. No. 181 January 15th 1867.

The only inference that can be drawn from the foregoing resolution is that in all districts except those where the assessment is admittedly very light,—and the number of such districts is now very small indeed,—Government does not expect the Ryots to be able to meet the deficiencies even in occasional bad years, much less when there is a succession of bad seasons. When the recorded resolutions

of the Local Government thus expressly enjoin upon its Revenue Officers the advisability of granting remissions whenever they are necessary, I fail to see how it can be described by the Bombay Revenue Officers as the essence of their system of assessment that remissions should not be granted, and that they are not a recognized feature of the Revenue administration of this Presidency. You will readily agree with me when I say that the Local Government should be accepted as a better and more trustworthy exponent of the principles of the Bombay Revenue system than its subordinate officers, when their opinions, howsoever unanimous, conflict with the recorded resolutions of Government.

3. Having thus disposed of the question of principle involved in the point raised by you, I shall proceed to see what the actual practice has been. You say in your letter under acknowledgement that "Colonel Anderson asserts that in those districts of the Southern Maratha Country which he names, none (remissions) *have been given*." Colonel Anderson is right so far as the particular districts he names are concerned, but they can by no means be considered as representative districts. The rain-fall there has been for the most part certain and ample; cotton is their staple produce and fetched high prices; and the land assessment there is light owing to the fact of the term of the original settlement not having expired. Remissions are chiefly necessary in the central districts of Poona, Nagar and Sholapoor where the rainfall is uncertain, the country is naturally very poor, and what has aggravated the mischief, the assessments have been excessively and disproportionately raised at the time of the revision, as has been clearly pointed out by Messrs. Lyon, Carpenter and Colvin in their minutes on the enhanced assessments appended to the report of the Deccan Riots Commission, and by Mr. Pedder in his note entitled "Leading Points regarding revision assessments." In these Deccan districts Colonel Anderson's observation is directly contradicted by the opinions of the Revenue Officers themselves. Mr. Hamilton, First Assistant Collector of Nagar, justly remarks of his district:—"Remissions or at least postponements of revenue have been necessary at each season of scarcity." Mr. Propert of Khandeish makes almost a similar remark, while Mr. Ramsay of Nasik says:—"Hitherto as far as my experience goes in Deccan districts, there always has been some remission given every year for failure of some crop or other." As a matter of fact you will find on referring to the evidence before you, that most of the Bombay Revenue Officers have unreservedly admitted that large remissions have been granted on many occasions of previous partial famines. Mr. Norman of Poona has furnished the Famine Commission with a tabular statement, containing the names of the Talukas of the Poona Collectorate and the amount of remissions granted from 1872-73 to 1875-76 both inclusive,

It is quite superfluous, therefore, to adduce any more figures in support of the statement made by the Sabha in their fourth Famine Narrative. In order, however, to place the matter beyond all possibility of doubt as to what the actual practice has been I append hereto two tabular statements marked A. and B. to which I respectfully invite the prominent attention of the Commission. These statements show the amounts remitted in every Talooka of the Poona and Sholapoor Collectorates from the time that the revised assessments were introduced. I may also draw your attention to the Administration Reports of the Bombay Presidency for the last six years where you will find similar evidence, if you refer to the tables given in the appendix portion under the heading "Revenue and Finance."

4. It will be thus seen from the resolutions quoted above and from the two tabular statements appended hereto and the opinions of the Revenue Officers, that upto the commtncement of the year 1876-77 the practice of granting remissions was a recognized feature of the Bombay Revenue system both in theory and in practice. During the famine a most important change came over the counsels of the Local Government acting under the advice of the Famine Delegate of the Government of India, and all of a sudden the traditional policy of moderation and clemency was reversed and in its stead was substituted one of postponement of the Government demand,—a policy which Mr. Ramsay characterizes as being "illusory and unsatisfactory." He further likens it to "hanging a stone round their (poorer Ryots) necks which they cannot get rid of;" and he observes in conclusion that "to postpone revenue without much prospect of ever recovering it is worse than idle, for it works actual mischief." "In most cases." says Mr. Propert of Khandeish, "I am far more in favour of total remissions than suspensions of demands for land revenue." It is true that the Local Government did never lay down any specific rules on the subject of granting remissions or as to "what amount of failure of crops would justify what amount of leniency in collection." But the recorded resolutions of the Local Government laid down geneneral principles for the guidance and information of its Revenue officers, and left their actual enforcement and other minor details to the discretion of each individual officer. I trust these observations will be accepted as ample justification for the statement made in the Sabhas' narrative that remissions were upto a very recent date the recognized feature of the Revenue system of the Bombay Presidency.

5. With regard to the North Western Provinces I am sorry I cannot get access to the book from which the quotation was made in the Famine Narrative. I beg, however, to refer you to Mr. Girdlestone's compilation on the North Western Provinces famines published about 1869-70. In the body of this report as well

as at the end of it, when the compiler draws what may be called the suggestive lessons taught by the successive methods of famine administration in those Provinces, he observes that the timely granting of remissions has been proved to be the most salutary relief, one which kept people from emigrating in the early period of the famine and encouraged them to return back soon. It also kept up the morale of the people and did not destroy their self-reliance. This was written with reference to the great famines of the North West Provinces in 1860-61 and 1868-69. The North Western Provinces government have accepted these results of the teachings of the past history of the famines in those provinces, and have in their resolution on this compilation lent their sanction to the wisdom of this suggestion. Not having the book by me I regret I cannot quote the very pages and the other details where these observations occur, but I have no doubt that when your attention is drawn to the compilation named above, all that I have said above and the quotation made in the Sabha's Narrative from Mr. Girdlestone's report will be amply corroborated to your own satisfaction.

Belive me
Your's faithfully
S. H. CHIPLONKAR,
Editor of the Quarterly Journal,
Poona Sarvajanik Sabha.

A

Statement showing the amount of remissions granted in the Poona Collectorate.

Names of Talukas.	Year. 1868/69.	Year. 1869/70.	Year. 1870/71.	Year. 1871/72.	Year. 1872/73.	Year. 1873/74.	Year. 1874/75.	Year. 1875/76.	Year. 1876/77.	Remarks.
Junner ...	615 5 5	... ...	... ...	... ...	103 2 6	8,233 3 9	1,086 15 7	452 13 8	399 9 2	I do not advisedly attach much importance to remissions below Rs. 1,000, and to the nominal remissions granted in the first year after the introduction of the revised assessments.
Indapur. .	42814 3 0	... ...	... ...	... ...	... ...	577 11 0	5,781 8 0	14,229 9 3	... ...	
Khed	5,059 4 0	4,728 9 0	4,728 9 0	4,728 7 0	5,016 9 3	21,589 11 10	2,677 5 0	61 14 0	424 6 0	
Sirur	... ...	... ...	... ...	513 9 ...	186 15 0	26,398 14 9	4,216 10 0	182 4 0	... ...	
Purandhar	... ...	... ...	... ...	... ...	... ...	2,225 6 0	79 12 ...	... ...	... ...	
Bhimthadi	104 0 0	... ...	... ...	52491 9 6	17 14 0	65,000 7 0	16,572 13 0	19,141 6 9	739 6 0	
Haveli ...	... ...	55 10 0	... ...	... ...	... ...	51,421 4 0	9,766 1 2	594 2 10	121 4 0	
Mawal ...	... ...	1 15 0	27 14 0	45 7 0	143 12 10	2,510 6 0	433 14 10	142 10 0	51 12 0	

B

Statement showing the amount of remissions granted in the Sholapur Collectorate.

Names of Talukas.	Year. 1869/70.	Year. 1870/71.	Year. 1871/72.	Year. 1872/73.	Year. 1873/74.	Year. 1874/75.	Year. 1875/76	Year. 1876/77.	Year. 1877/78.	Remarks.
Sholapur ...	67 11 ...	1,446 12 6	166,845 10 2	454 4 6	2,907 6 6	44,921 2 6	2,706 6 6	4,109 7 0	... ...	I do not advisedly attach much importance to remissions below Rs. 1,000, and the nominal remissions granted in the first year after the introduction of the revised assessments.
Barsi	... ...	... ...	... ...	783 2 6	2,296 6 0	11,572 5 0	... ...	1,233 3 0	... ...	
Madhe.....	... ...	69,124 14 0	19,429 1 0	6,905 13 0	1,481 10 7	23,906 9 2	12 6 0	1,422 1 0	1.007 6 11	
Karmala.....	... ...	... ...	6,102 15 0	... ...	38,834 11 0	640 1 0	16 12 0	342 8 0	33 2 2	
Pandharpur .	162 13 0	41 12 9	21,750 3 9	27,717 10 0	310 1 0	9,169 7 9	... ...	380 0 0	... ...	
Sangola	... ...	918 11 0	21,072 14 0	... ...	... ...	263 9 0	... ...	... ...	41 0 0	
Malshirasa...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	

LETTERS TO GOVERNMENT ON THE DECCAN DACOITIES.

No. I.

No. 79 of 1879.

Sarvajanik Sabha Rooms.
Nagarker's Wada near Vishrambag.
Poona 25th April 1879.

To,

The Chief Secretary to Government,
Bombay.

We have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit for the favourable consideration of His Excellency the Governor in Council the following representation in connection with the great insecurity to person and property now prevalent throughout some of the Deccan Districts consequent upon the unarrested progress and the increasing daring of bands of dacoits, who have been infesting the said Deccan Districts, and harrassing their peaceful inhabitants for the last two months and upwards, and to request you to place the same before His Excellency in Council at as early a date as possible.

2. The present disturbances prevail chiefly in the three Districts of Poona, Sattara and Sholapoor though occasional outbreaks of similar lawlessness have been reported in the Tanna, Nasik and Khandeish Districts also, and they have certainly struck great terror into the hearts of the peaceful inhabitants of the adjoining British Districts and the Native States. The inhabitants of that portion of the territory of His Highness the Chief of Bhor, which is contiguous to the disturbed districts of Poona and Satara, as well as those of the State of Kolhapoor and a few other states in the Southern Maratha country, appear to have been stricken with terror. During the last three months no less than 29 dacoities have been reported in the newspapers and the value of property stolen and distroyed is close upon one lac of rupees. Dacoities have been reported at Dhamori, Walhe, Saswar, Poona, Talegaum, Indapoor in the Poona District, at Sholapoor in the Sholapoor District, at Nandoshi and Gharsandi in the Satara District, and at Haranai and at Chal in the Sachiva's territtory. A statement is hereunto appended giving the names of the villages, where dacoities and high-class robberies have been reported in the newspapers. Government will thus have some idea of the extent of uneasiness caused by the present disturbed condition of the three Districts of Poona, Satara, and Sholapoor. The sufferings of the peaceful inhabitants of these

districts are aggravated by the fact that they are so thoroughly disarmed, and the Police force is so inconsiderable that they have no means to defend themselves against the dacoits. The dacoits are fully conscious of this fact which has made them so daring and bold, that sometimes they commit dacoities in open day light and ill-treat both the male and female inmates of the house that many happen to fall a victim to their lawlessness. It is some relief, however, to find that, except in one or two cases, these disturbances have not been attended with any loss of life, though instances are not wanting in which these dacoits committed outrages on the persons of their defenceless victims. The Police arrangements appear to be so defective that though it is nearly two months and upwards that the present disturbances commenced, yet the Police have not been able to give any great confidence to the people of the disturbed districts by bringing to justice the real offenders against law; for hitherto only few dacoities have been punished. The consequence of such a state of things is that well-to-do people have for the most part either removed or are in the course of removing themselves, their families and their move able property to centres of population. During the past few weeks the city of Poona has received large accessions of this nature to its population, who, finding it unsafe to continue at their homes in the country, have been forced to resort to this extreme step as a precautionary measure. As an instance of the foregoing assertion we may be permitted to state for the information of His Excellency the Governor in Council that most of the well-to-do families in the villages of this district, marginally noted,* have deserted their houses in the said villages and have removed themselves to places of security. This fact the truth of which can be easily ascertained by instituting strict inquiry speaks anything but creditably for the efficiency of the police arrangements in imparting security of life and property to those who rely upon them for both. The people even of large cities like Poona are not without apprehension for the security of their life and property, firstly on account of the general disturbed condition of the three above mentioned districts, and secondly because not long ago, that is, in the early part of the present disturbances a daring dacoity attended with loss of life was committed in one of the suburbs of this city. This locality is situated almost midway between the can-

Siwapoor.
Wadgaum.
Sonapoor.
Tallegaum.

tonment on the one side and a police chowkee on the other. The dacoits who committed this daring act have not yet been apprehended, and this fact has naturally enough considerably shaken the confidence of the people in the efficiency of those who are entrusted with the guardianship of their material interests.

3. The Committee of the Sabha gratefully acknowledge the promptitude with which the Government appointed a special officer to deal with these dacoits summarily, and the officer who has been deputed to this work possesses rare qualifications to carry out successfully the work entrusted to him. It is to be regretted, however, that the force at his command is much too restricted in point of numbers and efficiency of arms. The Committee think that the time has come for the temporary employment of detachments of a regular military force which should be quartered at convenient centres till the disturbances are settled and confidence restored. The dacoits belong chiefly to the criminal classes who have been impoverished and thrown out of employment by the famine and scarcity for the last two or three years, and the stoppage of the great public works. Till the next monsoon rains fall and secure employment to the agricultural classes in the country, the present state of unsettled things might continue unabated. The police force must therefore be strengthened in number and supplimented by small military detachments. The Committee of the Sabha learn from the news-papers that the Government has already appointed a commission of executive officers to inquire into the origin of these disturbances and to suggest remedies. The Committee of the Sabha humbly submit that it is rather too early in the day to try to reasonably account for the disturbed condition of the districts, and feel the necessity of the executive authorities directing their undivided attention towards restoring order and giving confidence to the frightened people by hunting down these bands of dacoits from their hiding place and bringing them to condign punishment.

4. When the present disturbances manifested themselves for the first time, the Committee of the Sabha felt and hoped that the executive authorities of the districts concerned would lose no time whatever in promptly restoring order and dispersing the bands of dacoits at an early date. The Committee, however, regret exceedingly to have to observe that though it is now two months and upwards since these

troubles commenced, that hope has not yet been realized to any appreciable extent. On the other hand it appears from the daily reports that appear in the newspapers that dacoities are on the increase. It may be that owing to the insufficient strength of the police force at the disposal of the executive authorities of the Districts concerned, they are not equal to the task before them without receiving accession to their establishment. The Committee of the Sabha can well understand that a Police force, which may suffice for the requirements of any given district in ordinary times, may be quite insufficient and unequal in such exceptional times as the present. It appears, however, that beyond patrolling the roads with Police Swars and establishing Chowakies in a few places, the executive authorities have taken no active steps to master the situation. The Committee of the Sabha hope that, even if the Government should not deem it expedient at the present time to sanction the employment of detachments of regular force against the dacoities, there can be no objention to adopt the usual precautions which have been adopted on similar occasions before, and which it is in the power of the civil authority to carry out without increasing any great responsibility. It is well known that the general disarmament of the people encourages the dacoits in their lawlessness by rendering their victims entirely helpless to protect themselves. The best way to inspire confidence among the people would be to issue licenses to the head men of the villages to retain swords and match lock guns in their possession and to arm them with these weapons at their own cost. Another precaution which would have an equally beneficial effect would be to revive the ancient system of requiring the adult males of the villages to watch their villages by turn during the night time. This volunteer police system was found very effective in old days and by encouraging people to help themselves and to have mutual confidence cannot fail to produce the best result. The old practice was to require the villages to attend the Chawari by turns during the night and keep watch and ward in turns. The third precaution sanctioned by old usage is to keep muster rolls of the criminal tribes settled in the villages. Each man belonging to these suspected classes was required to be in personal attendance at the village Chavakee during the night when the muster was taken and his absence or presence was duly noted. The muster rolls when regularly kept afford

important clues to trace the whereabouts of the suspected inhabitants. These three precautions taken together will go a great way to relieve the Police force of their present duty, and the Committee accordingly pray that Government will issue instructions to the District Officers to carry them into effect at the earliest opportunity. Rewards for the apprehension of the more noted dacoits should also be publicly notified, as has been already done in the case of one, as such a measure would be useful in sowing disunion among these people. The adoption of these measures will, the Committee hope, to a great extent render it unnecessary to strengthen the Police establishments. The ordinary expedient adopted by the Government of quartering punitive posts at the expense of peaceful inhabitants will not be found to be very effective in the present juncture, and it only aggravates the misfortunes of the peaceful classes who are punished for no fault of theirs with permanent burdens. The several expedients suggested above have the advantage of enlisting the people on the side of Government and secure their cooperation in the preservation of order and tranquility, and the Committee hope that by their early adoption these unhappy disturbances will soon be checked and the country restored to its normal condition of peace and progress.

We have the honour to be,
Sir
Your most obedient servants.

SHIVARAM HARI SATHE,
Secretary Poona Sarvajanik Sabha.

S. H. CHIPLONKAR,
Editor of the Quarterly Journal,
Poona Sarvajanik Sabha.

Statement to accompany the letter No. 79 dated 25th April 1879 giving the names of villages where dacoities were committed and the amount of property reported to have been lost or destroyed.

No.	Name of the place where the dacoity was committed.	Name of the district.	The amount of property lost or destroyed.
1	Ranajoo	Khandesh.	3000 Rs. property.
2	Palusdeva Road	Poona. ...	30 Rs. property.
3	Nandosee	Satara	15 to 20 thousand Rs. property.
4	Baramati Peta.	Poona. ...	Not known.
5	Kharsoondi	Satara ...	Not known.
6	Between Baramati and Dicsal	Poona ...	Looted the post. (Tapal).
7	Janai Mala.	„ ...	Ornaments.
8	Wadagaum Sheri... ...	„ ...	25 to 30 Rs. worth.
9	Between Poorundher & Poona	„ ...	2 horses and some property.
10	Dhamari...	„ ...	2½ to 3 thousand Rs. property.
11	Boregaum	Satara. ...	200 to 300 Rs. property.
12	Másal.	Mogalayee	15 to 16 thousand Rs. property.
13	Sholapoor.	Sholapoor.	Some property on the Railway gate there.
14	Narsingapoor	Poona. ...	3000 Rs. worth property.
15	Nirnimba.	„ ...	Not known.
16	Bawade gate	„ ...	Arms and dresses.
17	Veeravhale	„ ...	3000 rupees worth.
18	Harnai	Bhore. ...	Not known.
19	Mangdari...	Sholapoor.	14 to 15 thousand Rs. worth.
20	Rooyi.	Poona. ...	Documents &ca. burnt.
21	Sonapoor.	„ ...	Not known.
22	Chandakhed	„ ...	Not known.
23	Kelawada.	„ ...	400 rupees property.
24	Chal.	Bhore. ...	Documents &ca. burnt
25	Tembhooni.	Poona. ...	2 to 4 thousand Rs. property.
26	Hamodi	Bhore ...	1200 rupees property.
27	Jawale.	Poona ...	500 rupees property.

No. II.

No. 81 of 1879.

Sarvajanik Sabha Rooms,
Nagarker's Wada near Vishrambag.
Poona 20th May 1879.

To,

The Chief Secretary to Government,
Bombay.

Sir,—In continuation of our letter No. 79 dated the 25th April last, we have been directed by the Managing Committee of the Poona Sarvajanik Sabha to express their most grateful acknowledgements to Government for the promptitude with which the authorities have adopted rigorous measures to suppress the dacoities in this part of the country, and they feel confident that they represent the public feelings of satisfaction for the considerable success which has attended the efforts of the District authorities.

1. It is true that the measures of precaution adopted have not yet been crowned with that complete success which is necessary for the re-establishment of peace and order. In the early part of the last week matters seemed to have gone from bad to worse. For while hitherto the peaceful inhabitants of this city were mainly concerned for the security of life and property in the unprotected districts, the news of the dacoity at Palaspe on the other side of the Bombay harbour, the largest of its kind since these troubles began, and the fearful conflagrations in Poona on the night of Tuesday the 13th May, by which two public buildings of the utmost value to the inhabitants were completely destroyed, have struck terror into the hearts of the citizens, and have caused quite a panic amongst them. The Committee of the Sabha in common with the people of this ancient and historical town have viewed with profound sorrow the destruction by fire of two such Public Palaces as the Vishrambag and Boodhawar wada and the irreparable loss which both the Government and the people have sustained thereby. The Sabha beg to express their sincere abhorrence of this wicked and fiendish act and their deep sympathy with Government for the heavy loss sustained. In addition to the historical traditions which were inseparably connected with both these important buildings in the estimation of the inhabitants of this town, there were associations of a more potent character which made people cherish them as their most valued possessions. Since the establishment of the British power in this part of the country, both these buildings, but more especially the Vishrambag Wada were consecrated to learning, and most of the men of the present generation and of the rising generation have received

their education in these two buildings. These associations had so far endeared the buildings to the people of Poona that when the news of their being set on fire spread through the town, every one repaired to the scene of the conflagrations prepared to do his utmost to put out the fire and save these noble palaces,—palaces with which the memory of his earliest days was inseparably associated,—and when all efforts proved of no avail, many hundreds of people were struck with dismay as they took a last view of the burning piles and shed a tear over their ruins. Many an educated native worked as hard as any other man, whether official or non-official, to save the buildings from destruction and rendered material aid. With them it was a labour of love combined with duty. In fact the two back quadrangles of the Vishram Bag Palace were saved mainly through the exertions of the Assistant Masters and the students of the Poona High School.

2. These conflagrations along with the great Palaspe dacoity and the rumour of many smaller disturbances which have been reported in the news-papers as having occurred in the districts, marginally noted,* and a list of which is hereunto appended, have brought the sense of insecurity nearer home, and the people of this town feel the necessity of Government taking some strong measures at a very early date for the special protection of the city. The police force of this town is lamentably and notoriously weak and inadequate in point of strength and numbers, and unless it is largely strengthened, at least temporarily, people are not likely to feel themselves secure against the lawlessness of these desperate outlaws and dacoits. The Committee of the Sabha earnestly pray government to act upon the suggestions made in their last communication on the subject and swear special constables from among the resident population of this city, and also issue arms to some of the threatened villagers that they may be enabled to defend themselves against these Ramosee outlaws.

Poona.
Sholapoor.
Sattara.
Belgaum.
Ratnagiri.
Tanna.

3. The recent conflagrations have been popularly ascribed to the evil machinations of some incendiaries, set on to that kind of work probably by the dacoits in the Moffusil, and the circumstancial confession of one of the parties arrested on suspicion strongly confirms this belief. Government will be exceedingly glad to learn that the parties, who now confess to have set fire to the Vishram Bag and the Boodhawar Palaces, were first discovered by the united efforts of some of the leading members of the Sabha and of the native community generally, and handed over by them to the City Magistrate.

4. As a set off to these troubles and anxieties the Committee of the Sabha have learnt with sincere pleasure the news of the capture by the Poona Police of a large gang of dacoits and of the recovery of all the ornaments and the treasure taken by them at the great Palaspe

dacoity. Major Daniell, the special Police Officer appointed by government, has by this signal service vindicated the choice made by Government when he was first appointed to this arduous duty. The Sabha and the people generally feel confident that now that the first blow has been struck home, the gang will be soon brought to bay and hunted down till it is dispersed, and the tranquility of the country assured beyond all risk of such disturbances. The active cooperation of the people of the districts with the efforts of the Police is a duty which the entire civil population owes to itself and to the Government, and it is prepared to offer loyal help that might be required in this crisis and it is only their helplessness which has hitherto prevented them from rendering much resistance to the dacoits. If the measures of self-defence and precaution, suggested in their previous letter, be carried out, the Committee of the Sabha feel sure that the efforts of the out-laws will soon collapse and that they will be handed over to the judicial tribunals for condign and exemplary punishment.

We have the honour to be,
Sir,
Your most obedient servants,
SHIVARAM HARI SATHE,
Secretary Poona Sarvajanik Sabha.
S. H. CHIPLONKAR.
Editor of the Quarterly Journal
Poona Sarvajanik Sabha.

STATEMENT to accompany letter No. 81 dated 20th May 1879 giving the names of villages where dacoities were committed and the amount of property reported to have been lost or destroyed.

No.	Name of the place where the dacoity was committed.	Name of the district.	The amount of property lost or destroyed.
1	Banere	Poona ...	40 rupees worth.
2	Near Ambeel Nala ...	„ ...	200 „ „
3	Kalose	„ ...	500 to 600 rupees worth.
4	Kalagaum.	„ ...	200 rupees worth.
5	Dhoolkhed near Taklee.	„ ...	One Surveyor's whole property.
6	Between Tembhoorni and Kandher	Sholapoor.	100 rupees worth.
7	On way to Kandher ...	Poona ...	100 rupees worth.
8	Asawali	Satara ..	Not known.
9	Dhamni	Poona ...	3 to 4 thousand Rs. property and two police peons wounded.
10	Barsi...	Sholapoor.	100 rupees besides ornaments.
11	Dawadi	Poona ...	9,300 to 9400 rupees property.
12	Nimbgaum	„ ...	3,000 rupees property.
13	Mahaloonge	„ ...	Not known.
14	Near Mhaisgaum	Sholapoor.	600 and 2,000 rupees property of two men respectively.
15	Ten miles from Nandagada	Belgaum...	3 to 4 thousand Rs. property.
16	Nera...	Tanna ...	5 to 6 „ „
17	Palaspe	„ ...	1,50,000 rupees property ; two men killed.
18	Vaijanath	„ ...	100 rupees cash, besides some property.
19	Alegaum...	Poona ...	1,500 rupees property.
20	Poladpoor near Deval and Borad	Ratnagiri .	5,000 „ „
21	Hadapsar...	Poona ...	500 „ „
22	Sholapoor	Sholapoor.	Did not find anything.
23	Six miles from Matheran	Tanna ...	Not known.
24	Chikhaly...	„ ...	3 to 4 hundreds worth.

PROCEEDINGS OF A PUBLIC MEETING OF THE INHABITANTS OF POONA.

A public meeting of the inhabitants of Poona was held on the evening of Sunday the 4th May 1879 at the New Town Hall (Heerabag) to consider what proposals regarding the establishment of Panchayats should be submitted to the Honourable Mr. T. C. Hope, who is now in charge of a bill to relieve the indebted agriculturists of the Poona, Satara, Sholapoor and Ahmednagar Districts. The following gentlemen were present :—Mr. W. H. Newnham, District Judge of Poona, Mr. W. Wedderburn, District Judge of Ahmednagar, Mr. A. D. Pollen, Senior Assistant Judge of Sholapoor, Messers Baba Saheb Sanglikar, Tatia Saheb Raste, Bhau Saheb Natu, Rao Bahadur Sadashiva Ballal Gounde, Rao Bahadur Chintamon Hari Deshmookh, Rao Bahadur Shriniwas Shesho, Rao Bahadur Krishnaji Vishnu Limaye, Rao Bahadur Chintamon Sakharam Chitnis, Rao Saheb Amrit Shripat Nagpoorkar, Rao Saheb Ganpat Amrit Mankar, Rao Saheb Kashinath Balkrishna Marathe, Rao Saheb Narhar Gadadhar Phadke, Khan Saheb Nowroji Dorabji Khandalawala, Khan Saheb Meherjibhai Kuvarji Tarapurawala, Mr. Bomanji Perojsha Contractor, Dr. Vishram Ramjee Gholley, Dr. Mahadeo Rao Narayan Joglekar, Messers Gangaram Bhau Mhaske, Rajanna Lingu, Babaji Krishna Gokhale, Ganesh Wasudeo Joshi, Dinkar Ballal Chakradeo, Kevalbhai Khubchand, Sitaram Hari Chiplonkar, Nilkant Vinayak Chhatre, Narayan Krishna Dharap, Damodar Vidyadhar Gokhale &c. &c. &c. Not only the District Judges of three out of the four districts for which the proposed legislative measure is intended, were present, but most of the Subordinate Judges of those four districts were present also. The Arbitration Courts of Nasik and Sholapoor sent each a delegate to represent them at the meeting. There were representatives of the money-lending classes and of the agricultural classes too present at the meeting. In fact the meeting was representative in the strictest sense of the word. The Hall was so densely crowded that there was little room left even to stand on.

After the notice convening the meeting was read it was proposed by Mr. Baba Saheb Sanglikar and seconded by Mr. Tatia Saheb Raste that Mr. Newnham be requested to take the chair. Mr. Newnham, having taken the chair, read a letter from Mr. W. M. Coghlan, District Judge of Tanna, stating his regret that a private engagement prevented his being present, and expressing his strong sympathy with the object of the meeting in their wish to provide cheap and popular justice. Mr. Newnham then said that he would not take up the time of the meeting by any observations of his own, but would call upon the gentlemen having resolutions in their hands to propose them.

Mr. Ganesh Wasudeo Joshi in proposing the first resolution said:—

Mr. Chairman and gentlemen,—It is, I think pretty well known that one of the

causes of the poverty of the agriculturists, is the enormous amount of litigation and the consequent heavy expenses of the Civil Courts. Several measures have been suggested for remedying this deplorable state of things and one of them is the revival of the time-honoured institution of the Panchayat. I do not think that the Civil Courts themselves are an evil; they are like surgeons. If a patient who is in such a condition that the disease cannot be cured except by an operation, goes to a surgeon, it is the latter's duty to make the requisite operation. It is found that out of a hundred cases a few operations only come out successful; and even if the limbs operated upon be cured, yet they are found to be defective. An operation is always considered very dangerous; but in the absence of any other less dangerous means by which sickness can be cured by physicians with common medicines, the poor patient is obliged to wait until his disease gets so bad, that he cannot but have recourse to a surgeon and try the dangerous and expensive experiment of an operation. Such is the present condition and relation of the litigant parties and the Civil Courts. Some intermediate steps must therefore be adopted for securing speedy, cheap and practical justice to these poor classes before their condition be can bettered.

Before the introduction of the British rule into India there were no Civil Courts to decide Civil cases. They were all disposed of by Panchayats formed of Village Officers and other respectable persons resident in the village, and even after the introduction of British rule the system was for some time in actual practise. Mr. Mountstuart Elphinstone was of opinion that thePanchayat system was suited to our country and several other eminent statemen were also of the same opinion. The advocates of the Panchayat system are not wanting even in these days. In the year 1875 there was a great agrarian disturbance in the Deccan, and Government then appointed a Commission to enquire into its causes. The Commissioners after a searching and careful enquiry found that one of the main causes of the disturbance was the enormous amount of litigation. There was another Commission appointed by Government last year called the Famine Commission before whom several witnesses were examined. Among them was Mr. Wedderburn who gave a very clear evidence on the point of litigation in respect of Civil cases and suggested the remedy of the Panchayat system. I was also examined on the same point before them. My evidence is printed and published in which may be found statistical information of the result of litigation in our Civil Courts, as well as an account of the working of the several Panchayats or Arbitration Courts established in different parts of this Presidency. Mr. Wedderburn last year in England read before the East India Association a paper on the Panchayat system. The Association in its turn memorialized Lord Salisbury, the then Secretary of State for India, dwelling upon the points stated in the paper, and His Lordship referred the same to the Government of India for favourable consideration. The paper was printed and published. I am glad to say that the Honorable Mr. Hope has written to Mr. Wedderburn and to myself that he has in hand the Deccan agriculturists' relief bill, and that he wishes to have a draft of suggestions for the encouragement of the Panchayat by which they may be fitted into our present Judicial system. Mr. Wedderburn after much patient inquiry and deliberation has prepared a rough draft of suggestions, printed copies of which have been furnished to several of the members now present. In this rough draft there are two very important suggestions likely to effect a great change in the present system. It is provided that all cases in the first instance shall be filed before the Panchayat, and that if the defendant does not wish to have his case decided by the Panchayat, then the plaintiff should pay full stamp duty on his plaint, and that then the case should be decided by the Sub-Judge while on circuit. It is also provided that the suits which will be filed before the Panchayat shall be regulated by the 12

years law of limitation. The former suggestion is based on the recommendation of Sir Erskine Perry as made by him in his note on the report of the Deccan Riots Commission in which he has enclosed Sir Frederik Goldsmid's letter containing information of the French system of the disposal of Civil cases in the village where the defendant resides, and the latter suggestion is entirely in accordance with the opinion and recommendation of the Government of Bombay. The rest of the suggestions in the draft are borrowed from the Madras Panchayat law and the old law of the Bombay Presidency on the same subject.

In this draft there are some provisions which may affect the Stamp Revenue, and others whereby the Sub-Judges, their establishments and the pleaders will be put to some inconvenience, as provision has been made in the rough draft for carrying justice to the very doors of these poor litigants. But our paternal Government will not, I think, much mind a slight decrease in the Stamp Revenue. Political economists do not consider Stamp Revenue as a legitimate source of the revenue of Government. The Revenue that is at present derived from the stamps leaves a large surplus over the extravagant expenses in connection with the Civil Courts; and it is quite possible that if the Panchayat system be actually put into practice, the expenses of the Courts will be decreased in proportion to the decrease in their present heavy work. With regard to the inconvenience of the sub-judges and the others, I do not think they will much feel it, as they are our own countrymen who always cherish at heart the good of their mother land. We are all supplied with the necessaries of life mainly through the exertions of the agriculturists. It is therefore, our bounden duty to try every means for bettering their condition. In Ceylon there are Panchayats at present and their jurisdiction extends not only to Civil cases but also to a certain class of Criminal cases, and the system I am glad to say is found to work quite successfully. With these few remarks I beg to move "that the condition of the Deccan Ryots would be matterially improved if the system of local Panchayats were encouraged and developed."

Mr. Dinkar Ballal Chakradeo made a few pertinent remarks in seconding the first proposition, which was ultimately carried unanimously.

Mr. Wedderburn who on rising was received with cheers said :—

Mr. Chairman and Gentlemen,—I beg to propose the following resolution :—"That in all disputes between the Sawkar and the raiyat the first object is to obtain a friendly settlement by means of conciliation. Failing this, a reference should be made to arbitrators. Finally, if the parties do not agree to arbitration, the dispute should be disposed of by a judicial decision after local inquiry."

I do not think it is necessary for me to say much in support of the principle of peace and conciliation, when addressing the present meeting. For Poona has honorably distinguished herself in the matter of Lawad Courts. And many of the gentlemen I now see before me have, at much personal sacrifice, taken upon themselves the duty of peace-makers in order to save their poorer brethren from litigation, with its attendant ruin in purse and in morals.

As you are aware Government have fully recognized the distressed condition of the Deccan agriculturists, and have determined to pass special laws for their relief. And you will be very glad to hear that, after careful deliberation as to the best way of proceeding, they have decided that conciliation must play an important part in any scheme of relief. The circumstances of the Indian raiyat are in many respects similar to those of the French peasant proprietor, who cultivates with his own hands.

And Her Majesty's Secretary of State, in a recent despatch, has explained the judicial system which prevails in the rural districts of France; and has expressed an opinion that this system, which provides for an early meeting of the parties before the "Juge de Paix" in order to produce a friendly settlement, might, with suitable modifications, be advantageously extended to India. Sir Frederick Goldsmid who has reported on the system from Paris writes:—"As regards 'conciliation' it is considered here to work admirably. They have endless arguments in its favour." In the cases in which the parties cannot be brought to an agreement, the suits are disposed of summarily on the spot by the "Juge de Paix," whose salary and position are analogous but inferior to those of a Subordinate Judge. Now I think you will agree with me that, with the aid of village Panchayats, the system thus approved by the highest authorities might be successfully made applicable to India. A system of conciliation would put an end to the interneoine warfare between Sawkars and raiyats. And in carrying it into effect, in giving new life to the Panchayat, the ancient and honoured council of the village elders, Government would not only enjoy the sympathy of all educated Natives, but would secure the support of that mighty factor in Indian administration, "Mamul" or customary usages which for the inarticulate masses serves in the place of thought and opinion.

Even before receipt of the present Government orders, calling for my opinion on these matters, I had been in communication with the Honourable Mr. Hope with reference to his Bill for the relief of the Deccan Agriculturists, and with the assistance of Mr. Ganesh Wasudeo Joshi had prepared some draft sections founded on the old Bombay and Madras Regulations regarding village Panchayats. These draft sections have been printed and are now in your hands. And you will see that it is proposed that the Panchayat should take a leading part at each of the three stages; conciliation, arbitration, and judicial decision. As regards conciliation they are to act as the advisers of the parties and to use all their influence to a friendly settlement. If the dispute is referred to arbitration, they are to be the arbitrators. If a judicial decision is necessary, they will act as Assessors and give the Subordinate Judge the benefit of their local experience. These sections are a mere rough draft requiring much revision. And in receiving them I think we should be careful to get not only the opinion of educated people but that of village officers and of the villagers themselves upon whom the proposed duties will fall. If the scheme is to be a success, it must be in such a form as will fit in pleasantly with their daily life.

Since drafting these sections one or two points have occured to me. I think greater prominence would be given to the important function of conciliation, if the first petition of the creditor were presented to the Patell of the village, whose duty it would be, in conjunction with the Kulkarni, to bring the parties together before a Panchayat, and procure, if possible, a friendly settlement. The other point has reference to jurisdiction in the case of petty offences. The French rural Courts can punish petty offences by imprisonment upto 5 days and fine about Rs. 10. And I think that, under proper restrictions some such authority might be deputed to our village Councils. As the Panchayat system has worked well in Ceylon as regards both Civil and Criminal cases, I will read a short extract from the "Globe" newspaper which gives some interesting details. "The 'Gansabawa,' or village councils of Ceylon, which are unique among the institutions of modern civilized communities, are a remnant of the ancient Kandyan system of tribal Government, adapted to the altered circumstances of the island under British rule. It is the policy of the Government to retain the Native customs as far as it is possible to do so without interfering with the maintenance of order and the necessities of the central authority, and this policy has in no instance been attended with better results than in the in-

stitution of Village Councils. According to the latest returns, thirty-one of these bodies are in full working order, all presided over by minor Headmen, "Bandas," or "Mudaliyars" chosen from among the respectable Native gentlemen, who are assisted by Native clerks or writers, and other subordinate officers. The cases brought before these courts refer chiefly to questions of debt, petty theft, assault, breaches of the village rules, and similar offences; and last year nearly 55,000 of these charges were adjudicated upon by the councils." There is an appeal, but out of the 55,000 cases only 740 were appealed, and out of these the decisions in only 165 were set aside.

At this time Mr. Newnham, who had some other private engagement to attend to, left the Hall and requested Mr. Wedderburn to occupy the chair for him.

Mr. S. H. Chiplonkar in seconding Mr. Wedderburn's proposition said:—

Mr. Chairman and Gentlemen,—In seconding the resolution moved for your acceptance by Mr. Wedderburn, I can hardly add much to the interesting and instructive speech to which you have been treated by him. The principle of conciliation and peace-making has been so ge erally admitted of late by high authorities both in England and in India, that it is hardly necessary for me at this hour to dilate upon the manifold advantages, which are certain to accrue to the Indian ryot from a liberal encouragement to the adjudication of civil claims by means of arbitration. And especially so when the British Government, under whose beneficent administration we are enjoying all the advantages of a humane, and civilized sway, has succeeded in introducing that principle—I mean the principle of conciliation and peace-making even in international politics,—a province in which until very lately the only guiding principle that was recognized was that contained in the homely proverb. "Might is the only right." I need hardly remind you, gentlemen, that I am alluding to the Geneva Arbitration by which a great internecine war between England and America was successfully averted by the latter's consenting to submit the points in dispute to the adjudication of a peace-making tribunal. England not only set an example to other powers by submitting her quarrel with America to Arbitration, but went a step further by bringing her influence to bear upon two Asiatic sovereigns and inducing them to submit their quarrel to the friendly services and mediation of a mutually friendly power. My principal object in alluding to these two examples and in directing your prominent attention to them is twofold; firstly to show to you that if this system of conciliation and peace-making between two parties, that have conflicting interests, has been found to work so admirably even in that direction, where its influence was never before felt, nor recognized, there can be no doubt whatever that the adoption of the same system will be attended with greater success in a province which it might appropriately call its own; and secondly that we may rely upon the cordial support and liberal encouragement at the hands of our British Government, if we show due disposition to have our civil disputes settled by means of arbitration. As a recourse to arms serves to embitter the relations between two or more powers that resort to it, so a recourse to the Law Courts almost invariably produces similar results and embitters the relations subsisting not only between the two parties to a suit but frequently between their friends and dependents. Again as observed in his speech by Mr. Wedderburn, we are not asking for anything that is new and strange to us. Arbitration Courts in villages have been from times immemorial an honoured custom amongst the natives of India, and we find some faint traces of that admirable institution still left among the lower classes. We sometimes find these people, uneducated and unenlightened as ey thare, refer

caste and purely social disputes to the decision of arbitration. Gentlemen, I will not detain you farther by bringing any arguments in support of the principle, because, as Sir Frederick Goldsmid has justly remarked, "they have endless arguments in its favour.

Gentlemen before resuming my seat I crave your indulgence for adding only a few words. It is after patient toiling that we find our Government prepared to make us some valuable concessions in this direction. We must never stop before we get them to the fullest extent, but always bear in mind the farewell advice of our late governor Sir Philip Wodehouse to the effect that you must always agitate and agitate repeatedly for those concessions and that you are sure to get them in the long run.

When this proposition was put to the meeting, some discussion was raised by Rao Bahadur Krishnaji Vishnu Limaye who was answered by Rao Bahadur Chintamon Sakharam Chitnis; when Rao Saheb Kashinath Balkrishna Marathe pointed out some difficulties of a practical nature in the successful working of the Panchayat Courts, which difficulties, he contended, would have to be removed before the success of the new experiment could be ensured against all failure. Mr. Wedderburn then thanked the Rao Saheb for his suggestions and said that, as they concerned minor details and in no way conflicted with the main principle involved in his proposition, he should refer them to the Select Committee to be appointed to report upon the rough draft, who would no doubt give them their most serious consideration. The proposition was then unanimously carried.

Then Mr. Babaji Krishna Gokhle, a distinguished Pleader of the Local DistrictCourt moved the third resolution which was as follows:—

That the rough draft which has been prepared in the spirit of the two resolutions and which is now before the meeting be generally approved and referred for consideration to a Committee with a request that they will carefully revise it and prepare an amended draft with a view to its being forwarded to the Honourable Mr. Hope who is in charge of the Bill for the relief of the indebted agriculturists in the Deccan.

This resolution was seconded by Mr. Kewalbhai, the delegate of the Lawad Court at Nasick. The fourth resolution which was as follows was moved by Rao Bahadur Chintamon Rao Hari Deshmookh and seconded by Rao Bahadur Shrinivas Shesho.

That the committee consist of the following gentlemen with power to add to their number:—

Rao Bahadur Shriniwas Shesho, Rao Bahadur Sadashiv Ballal Gounde, Rao Bahadur Chintaman Raw Hari Deshmookh, Rao Bahadur Mahadeo Rao Govind Ranade, Rao Bahadur Vishnu Moreshwea Bhide, Rao Saheb Krishna Rao Sadashiv Jogleker, Rao Bahadur Krishnaji Vishnu Limaye, Rao Bahadur Chintamon Sakharam Chitnis, Rao Saheb Amrit Shripat Nagpoorkar, Rao Saheb Gunpat Amrit Mankar, Khan Saheb Nowroji Dorabji Khandalawala, Govind Mahadeo Gadre Esquire, Gangadhar Govind Gokhale Esquire, Dinkar Ballal Chakradeo Esquire, Kevalbhai Esquire, Ganesh Wasudeo Joshi Esquire, S. H. Chipionkar Esquire *Secretary.*

In conclusion Rao Bahadur Sudashiv Ballal Gounde proposed a

vote of thanks to the Chairman and Messers Wedderburn and Pollen for their having kindly undertaken to grace the meeting with their presence. The proceedings of the meeting were thus brought to a close,

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To,

W. WEDDERBURN,

DISTRICT JUDGE.

Ahmednager.

Sir,

In accordance with the resolution adopted in the general meeting held in the Poona City Town Hall on the 4th May 1879, we, the undersigned members of the Select Committee, beg to forward herewith the draft of the Panchayat Bill as revised by the Select Committee appointed at the public meeting. We beg to submit herewith a short statement of the alterations, with the reasons thereof, made by us in the original draft framed by you. These alterations were explained to you at the last meeting of the Committee and met with your approval, and we request that you will submit the draft to the Hon'ble Mr. Hope with your report thereon, recommending its incorporation with the general measure for the relief of the indebted agriculturists in the Deccan.

We have the honor to be

Poona, 23rd May 1879. Sir,

Your most obedient servants.

Mahadeo Rao Govind Ranade, Sub-Judge Nassick.
Vishnu Moreshwar Bhide, Sub-Judge Surat.
Chintamon Sakharam Chitnis, Sub-Judge Poona.
Krishnajee Vishnu Limaye, Late Sub-Judge.
Shriniwas Shesho Hattibelgalkar Late Native Assistant Revenue Commissioner S. D.
Amrit Shriput Nagpoorkar, Sub-Judge Sangamneir, Nagar District.
Sadashiva Ballal Gounde, Late Assistant Inam Settlement Officer S. D.
Krishna Rao Sadashiv Joglekar, Sub-Judge Barsi, Sholapur District.
Chintamon Rao Hari Deshmukh, Late Sub-Judge.
Ganpat Amrit Mankar, Sub-Judge Khed Poona Dist.
Nowroji Dorabji Khandalawala, Sub-Judge Wadgaum Poona District.
Ganesh Wasudeo Joshi, Pleader District Court Poona.
Dinkar Ballal Chakradeo, Pleader District Court Sholapoor.
Govind Mahadeo Gadre, Pleader District Court Poona.
Gangadhar Govind Gokhale, Sowcar Poona District.
Kevalchand Khubchand, Sowcar Nassick District.
Sitaram Hari Chiplonkar, Editor Quarterly Journal Poona Sarvajanik Sabha.

REPORT OF THE SELECT COMMITTEE.

In the preamble we have added the words "to bring about conciliation and promote friendly feelings between the money-lenders and the agricultural classes" to give emphasis to the principal object aimed at in this special legislation. Diminishing the expense of litigation and securing the cooperation of the intelligent classes in the administration of justice are not by themselves sufficient to justify special legislation. The Panchayat Courts are intended chiefly to bring about conciliation and promote friendly understanding.

In the same preamble we have transferred the word "respectable" from its place in the original draft and placed it before the word 'inhabitants.' No legislation can make people respectable who are not so before.

Section 1. In this section the only important alteration we have made relates to the selection of the Panches that is the members of the Panchayat Courts. The original draft left the selection of the Panches to the people, but we have thought that this is too vague a provision for practical application. We have, therefore, provided that the selection shall be made by the Subordinate Judge and an officer deputed by the Collector in personal consultation with the people. We have struck off the last sentence in section 1, as we think that it should not be left to the choice of the people to decline rendering this voluntary service in the general interests. The power of removing the names should be left to Government who will revise the list from time to time. We have also added to this section the definitions of the two terms "Panchayat" and Panches."

Section 2. The alterations in this section are purely formal and require no explanation. We have made a provision to include cases, in which there are more defendants than one all of whom do not belong to the agricultural classes.

Section 3. There has been no material change in this section except that we have adeed the words 'or interest' after the word 'debt' in the original draft.

Section 4. We have added a new sentence at the commencement of this section empowering the Government to declare by notification in the Gazette the number of villages, which shall constitute the local jurisdiction of each Panchayat Court. We have also assigned specific place to the Patel of the village along with the Koolkarni, each of whom will be for his village the Nazir and Clerk to the Panchayat. The two officers acting together will be useful checks upon one another and will secure the success of the experiment.

Section 5. No alterations have been made in this section.

Section 6. With a view to secure the main object of conciliation and friendly adjustment aimed at in this special legislation we have added a new provision to this section which was wanting in the original draft to the effect, that when the defendant appears, the Patel and Koolkarni shall confrout him with the Plaintiff in the presence of one or more Panches, and the village officers and Panches will be required to exert themselves to the best of their power to induce the parties to come to an amicable settlement a d draw up a note of their proceedings and sign it.

We have also added two more clauses to this section. The first provides for those cases in which there are more defendants than one who live within the jurisdiction of different Panchayats, while the second clause provides for those cases in which either of the parties happen to be the village officers themselves. These additional provisions were necessary to give full effect to the section so as to provide for all contingences.

Sections 7 and 8. No change has been made in these sections.

Section 9. Only a few formal alterations have been made in this section. Power has been given to the Panchayat to require the production of such documents or witnesses as they may consider essential for the proper decision of the case, and also to administer an oath to witnesses before examining them. We have also made perjury before the Panchayat a penal offence.

Section 10. The only material alteration in this section relates to the provision which we have thought it necessary to make, requiring the Panchayat to take down depositions at length in all suits above 50 rupees in value. The original draft left it discretionary with them in all cases to take down such depositions in full or not. We think that the analogy of the Small Cause Courts powers conferred upon the Sub-Judges should be followed, and we have accordingly made a provision to that effect in this section. We have also provided that the depositions of witnesses after being read out and corrected shall be signed by the witnesses as also by the Arbitrators. We think this as an useful check against fraud.

Section 11. No alteration has been made in this section.

Section 12. The only material addition made relates to a provision empowering the Sub-Judge for special and sufficient cause or with the consent of the parties to transfer a reserved suit from the Panchayat Courts to his own file and to try it at the station where the Court is located. We deem such a provision necessary to provide for the expeditious disposition of urgent cases where the parties will suffer great loss if obliged to wait till the Sub-Judge comes on circuit.

Section 13. The only addition made in this section is that we have provided that one or more of the Panches who were present at the first amicable overtures of the parties shall be selected as assessors.

Section 14. We have struck off the first sentence in this section and substituted in its place a provision directing that all Panchayat awards shall be forwarded within three days to the Sub-Judge with all the papers of the case, and further that it shall be incumbent on the parties who desire to have the award filed to apply to the Sub-Judge. The first draft left no option to the parties but directed that all awards should be filed by the Sub-Judge who goes on circuit. We think that this option should be left with the parties, for it is not by any means desirable that every award should be turned into a decree and executed. We think that the provision requiring the Patel and Kulkarni to forward all papers immediately to the Sub-Judge is necessary to prevent all possibility of the papers being tampered with.

Section 15. We have increased the period from one to two months in the latter portion of this section. We think that one months' time is too short to infer any want of diligence on the part of the Panches. We have transposed the first sentence from its original place and placed it at the end.

Section 16. In this section we have allowed appeals from all orders of the Sub-Judge, whether the order directs the rejection or filing of the award. The original draft allowed appeals only when the Sub-Judge directed the award to be filed. We think the same reasons which justify appeal in one case make it advisable to allow appeal in the other case also.

Section 17. In this section we have provided that all payments out of Court shall be made in the presence of one or more Panches, and that a receipt shall be passed and be countersigned by the Panches. The original draft required that a note of the payment shall be made in the proceeding. We regard this provision as impracticable, for the proceedings will not and cannot be allowed to remain with the Patel and Kulkarni. We have therefore struck it off and provided for special receipts.

Section 18. We have added the words "Goomasta or Partner" besides the words 'relative or servants' in the original draft. The Gujerathi and Marwari firms, who constitute by far the most numerous class of money-lenders in these districts, generally carry on their trade by means of firms consisting of partners and goomastas. We have accordingly made provision for their appearance as representatives of the firms.

Section 19. We have substituted the words "four annas" for "two annas" in this section. We think two annas for every ten rupees would not suffice to provide for the fund from

which to pay adequate remuneration to the Patel and Kulkarni. Unless these officers were paid a sufficient sum, it would not be possible to ensure their services effectively. We have added a new section at the end giving power to the District Judge to frame rules with the sanction of the High Court for the guidance of the Panchayat and Subordinate Judges, and also to exercise personal supervision over the working of this Act.

Poona, 23rd May 1879.

Mahadeo Rao Govind Ranade, Sub-Judge Nassick.

Vishnu Moreshwar Bhide, Sub-Judge Surat.

Chintamon Sakharam Chitnis, Sub-Judge Poona.

Krishnajee Vishnu Limaye. Late Sub-Judge.

Shriniwas Shesho Hattibelgalkar Late Native Assistant Revenue Commissioner S. D.

Amrit Shriput Nagpoorkar, Sub-Judge Sangamneir, Nagar District.

Sadashiva Ballal Gounde, Late Assistant Inam Settlement Officer S. D.

Krishna Rao Sadashiv Joglekar, Sub-Judge Barsi, Sholapur District.

Chintamon Rao Hari Deshmukh, Late Sub-Judge.

Ganpat Amrit Mankar, Sub-Judge Khed Poona Dist.

Nowroji Dorabji Khandalawala, Sub-Judge Wadgaum Poona District.

Ganesh Wasudeo Joshi, Pleader District Court Poona.

Dinkar Ballal Chakradeo, Pleader District Court Sholapoor.

Govind Mahadeo Gadre, Pleader District Court Poona.

Gangadhar Govind Gokhale, Sowcar Poona District.

Kevalchand Khubchand, Sowcar Nassick District.

Sitaram Hari Chiplonkar, Editor Quarterly Journal Poona Sarvajanik Sabha.

DRAFT SECTIONS.

× × × AND WHEREAS with a view to bring about conciliation and promote friendly feelings between the money-lenders and agricultural classes, and to diminish the expe- of litigation and to render the principal and more intelligent and respectable inhabitants useful by employing them in administering justice to their neighbours, it is desirable that suits against agriculturists should be disposed of by Panchayats; × × × it is enacted as follows:

Preamble Mad. Reg. V of 1816.

1. It shall be lawful for the Local Government to establish in any District, Panchayats to receive, try, and determine suits against agriculturists The number of Panchayats to be established under this section shall be fixed and may, from time to time, be altered by the Local Government. The Local Government shall fix, and may, from time to time, vary the local limits of the jurisdiction of such Panchayats. The "Panches," or persons eligible to serve upon the Panchayats, shall be selected by the Subordinate Judge and an officer deputed by the Collector, in personal consultation with the people dwelling within the local limits for which the Panchayat is constituted. The Lists of Panches shall be published in the *Government Gazette*. The Courts of arbitration constituted by government under this section shall be called Panchayat Courts, and the members for the time being, who are selected by the parties out of the list published by government to act as arbitrators, shall be called Panches.

Bengal Civil Courts Act, 1871 Sections 3 and 18.

2. In any District or part of a District in which Panchayats shall have been established under the last preceding section, it shall be lawful for the Local Government to declare, by notification in the *Government Gazette*, that on and after a certain date all suits, in which an agriculturist is a defendant, shall be brought in the Panchayat within the local limits of which one of the defendants being an agriculturist shall at the time of the commencement of the suit, dwell; and from the said date no Civil Court shall entertain any suit against an agriculturist dwelling within such District except as provided for in this Act, provided further that nothing herein contained shall affect the provisions of Sections 525 and 526 of the Civil Procedure Code. It shall be lawful for the Local Government from time to time to alter or rescind such notifications.

3. The jurisdiction of the Panchayat shall extend to all suits brought against agriculturists, without limit as to amount or value. The ordinary rules of the Limitation Act shall be applicable to suits brought in the Panchayat. Provided that in suits

Madras Reg. V of 1816 Sec. 2 Cl. 1.

brought to recover money lent or interest the period of limitation shall be 12 years from the time when the debt or interest became due. Nothing herein contained shall be construed to extend the period for suits already barred by any law for the time being in force.

4. The Local Government shall declare by notification in the official Gazette the number of villages which shall constitute the local jurisdiction of each Panchayat. The officiating Patel and Kulkarni of each village shall be ex-officio Nazir and Clerk to the Panchayat as regards suits brought against any defendant dwelling in his village. It shall be the duty of the Patel and Kulkarni to receive plaints and to keep the register and proceedings of the Panchayat. For these duties they shall receive from the fees such remuneration as government shall direct.

Madras Reg. V of 1816 S. 10.
Bo. Reg. VII of 1827, S. 4 Cl. 1

5. When a Plaintiff desires to bring a suit he shall present to the Patel and Kulkarni of his village a written plaint which shall state precisely the nature of the claim, the time when the cause of action arose, the name and residence of the defendant or defendants, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction. He shall also state in writing the names of the person or persons from the list of Panches, who he proposes should form the Panchayat for the trial of the suit.

Madras Regulation V of 1816 S. 4. Cl. 4.

6. On receiving the plaint the Patel and Kulkarni shall without delay send a village servant to call the Defendant. If he fails to come they shall serve upon him a summons setting forth briefly the nature and amount of the claim, and fixing a day for his appearance to answer the plaint. When the Defendant appears, the Patel and Kulkarni shall confront him with the Plaintiff in the presence of one or more Panches ; and it shall be the duty of the Patel and Kulkarni and the Panches present to exert themselves to the best of their power to induce the parties to come to an amicable settlement among themselves. They shall draw up a brief note of their proceedings and put their signatures to it. If the parties cannot come to an amicable settlement, they shall ask the Defendant whether he agrees that the case should be disposed of by the Panchayat; and if so, whether he accepts as the Panchayat the person or persons named by the Plaintiff. If the Defendant is willing to have the case decided by the Panchayat but does not agree to the Panches proposed by the Plaintiff, then each of the parties shall elect an equal number of Panches and shall jointly appoint one other person from the List as Sar Panch or Umpire.

6. (a). When there are more Defendants than one, and all of them do not reside in the same village, the Plaintiff may present his plaint to the Patel and Kulkarni of any one of the villages in which

one of the Defendants being an agriculturist, may reside; and the Patel and Kulkarni shall arrange to summon the other Defendants either through the Subordinate Judge within whose jurisdiction they may be residing, or the Patel and Kulkarni of other villages if they be situated within the jurisdiction of the same Panchayat.

6. (b). No Patel or Kulkarni shall take any proceedings in a suit, in the subject matter of which either of them may be directly or indirectly interested as Plaintiff or Defendant; but on receiving the plaint in such a suit, they shall immediately report the matter to the Subordinate Judge, who shall thereupon appoint the Patel and Kulkarni of some other neighbouring village to be the Nazir and Clerk of the Panchayat with respect to such suit, and shall transfer the suit to them.

7. If any person on the Panchayat List, who has been selected by the parties, dies or is unable, or neglects, or refuses to serve, the party or parties who selected him may name a substitute. If a person selected neglects or refuses to serve without reasonable cause, it shall be the duty of the clerk to report to the Subordinate Judge within whose local jurisdiction the case arises. The Subordinate Judge shall enquire into the matter, and if he is of opinion that such person has neglected or refused without reasonable cause, he may fine him in a sum not exceeding Rs. 5.

Mad. Reg. V of 1816, S. 3 Cl. 1.

8. When the parties are agreed as to the constitution of the Panchyat, such Panchayat shall proceed with all due diligence to take up the case. It shall commence its proceedings by requiring from the parties a "Razinama" or agreement in writing to abide by the decision of the Panchayat as above constituted. In investigating the matter referred to it, the Panchayat shall examine the documents and witnesses produced by the parties. It shall not, however, be bound by the formal rules of evidence, but shall adopt such mode of inquiry and proof as shall appear to it most conclusive to ascertain the facts of the case.

Bo. Reg. VII of 1827, S. 4 Cl. 1.

9. The parties shall ordinarily produce their own witnesses and documents, and it shall be the duty of the Patel and Kulkarni to give the parties every assistance in their power to procure the attendance of the witnesses. The Panchayat shall also have the power to require the production of such documents or witnesses as they consider are essential for the proper decision of the case. In the case of witnesses neglecting to attend when called by the village servants, and in the case of witnesses resident in other villages, the clerk shall on the application of the party issue a summons which may be served direct or through the Subordinate Judge. Any person, upon whom such a summons has

Bo. Reg. VII of 1827 S. 4. Cl. 2.

been served, and who disobeys such summons shall be liable to the penalties stated in Section 174 of the Indian Penal Code. The Panchayat shall also have the power to administer an oath to witnesses before examining them; and any witness who gives a wilful false evidence while under oath, shall be liable to the penalties stated in Section 193 of the Indian Penal Code.

10. When both parties have been heard and the whole of the evidence gone through, the Panchâyat shall pronounce an award according to justice and right. The award shall contain the names of the parties, the date of reference, the nature and value of the matter referred, and the decision made; it shall be dated and signed by the arbitrator if sole, otherwise by the majority which made the award, and by the umpire if any. In cases of debt below 50 Rupees in amount, it shall be discretionary with the Panchayat to take down the depositions of the witnesses at full length or not, but in such cases, when depositions in full are not taken, it shall be the duty of the Panchayat to keep a brief note of the proceedings. In all other suits, the depositions shall be taken down in full, and shall be signed by the witnesses after they are read out to them and corrected if necessary, and the members of the Panchayat shall also sign the same.

Mad. Reg. V. of 1816. S. 4. Cl. 10 and S. 6.
Bo. Reg. VII of 1827 S. 8. Cl. 1.

11. Looking to the great advantages from a friendly settlement it shall throughout the proceedings be the duty of the Panchayat to induce the parties, if possible, to come to an equitable arrangement among themselves. When a settlement is agreed to by the parties, the Panchayat may pass an award in accordance with such settlement.

12. If the Defendant does not agree to have the case tried by a Panchayat, or if the parties cannot agree as to the constitution of the Panchayat, the Clerk shall call upon the Plaintiff to pay within one month the Court fees due upon the plaint according to the law for the time being in force. If he pays the amount within the time, the case will be referred to the Subordinate Judge, who shall try it at that place when he moves on circuit in accordance with the rules to be made in that behalf by Government. In cases when both parties agree, or sufficient and special cause is shown to the satisfaction of the Sub-Judge to have the suit transferred, it may be tried in the station where the Civil Court is ordinarily held. The rules to be framed under this section shall provide that the Subordinate Judge shall go on circuit for 15 days in every month except during the monsoon. If the Plaintiff fails to pay the amount within the required time, the suit shall be struck off, and the time during which the Plaintiff has been engaged in prosecuting his suit before the Panchayat shall not be excluded in computing any period of limitation.

13. When a suit has been reserved for trial by the Subordinate Judge, the Clerk shall forthwith report the fact to the Subordinate Judge within whose local jurisdiction the Panchayat is situated. When the Subordinate Judge has fixed the date on which he will visit the village on circuit he shall inform the Clerk who will have all reserved cases ready for trial on that day. The Subordinate Judge shall select one or more assessors from the Panchayat List, including among them if possible the one or more of the Panches who were present at the time when the amicable settlement was attempted, and dispose of the cases brought before him. He shall record the opinions of the assessors, but the decision is vested exclusively in the Subordinate Judge.

14. All awards made by the Panchayat shall within 3 days from the date of the award be forwarded by the Patel and Kulkarni with all the papers of the case to the Subordinate Judge having jurisdiction to file them. The party who desires to have his award filed shall apply to the Subordinate Judge, who will direct the Kulkarni to issue notices to the other parties informing them of the dates when the Subordinate Judge will come on circuit to the village and require them to show cause why the award shall not be filed. The Subordinate Judge on his arrival shall hear all objections, and if no sufficient cause is shown, the awards shall be filed, and shall have the force of decrees of the Court. If the Subordinate Judge decides that the awards should not be filed, the plaintiff will be called on to pay the Court fees within one month and have the suit disposed of as a reserved case by the Subordinate Judge under the last preceding section. If the Plaintiff neglects to pay the fees within one month, the suit shall be struck off, and the time during which the plaintiff has been engaged in prosecuting his suit before the Panchayat shall not be excluded in computing any period of limitation. In cases of emergency when special and sufficient cause is shown, the Sub-Judge may at any time entertain an application to file the award and pass an order after issuing notices to the parties and hearing any objections they may have to urge. The objections to the filing of the award must be of the nature of those specified in sections 520 and 521 of the Civil procedure Code, and the award may be returned for amendment in the manner provided in Section 520.

15. If any party to a suit, which has been referred for trial to a Panchayat, complains that the suit is not being proceeded with with due diligencet, he Subordinate Judge shall enquire into the matter. If he is of opinion that the complaint is just, and if the suit has remained undisposed of for more than two months, he may assemble the Panchayat and dispose of the suit, he acting ex officio as Sir Panch, with a casting vote. The award made will have the effect of an award under sec. 10. When the Subordinate Judge proceeds on circuit he shall examine

the records of the Panchayats and shall advise and encourage them in the performance of their duties.

16. No appeal shall lie against the award of a Panchayat passed under this Act; but an appeal shall lie to the District Judge against the order of the Subordinate Judge directing an award to be filed or rejecting it.

17. When an award has been filed, the Subordinate Judge shall execute it in the same manner as one of his own decrees, but he shall as far as possible execute it through the village officers, who shall be bound to give all necessary assistance. Payments to the judgment creditor may be made in the presence of one or more Panches, and a receipt in writing for such payments shall be passed and be countersigned by the Panches in whose presence they were made.

18. In the Panchayats the parties may appear by pleader or recognized agent as provided by the Code of Civil Procedure. They may also be represented by a relative, partner, gumasta, servant, or dependent, provided such person is provided with a Vakalatnama describing his relation to his employer and the matter in which he is empowered to act. Such vakalatnama must be filed in the suit. In the Panchâyat no costs will be allowed on account of a pleader or agent.

Mad. Reg. V of 1816 S. 7 Cl. 3.

19. Suits tried by Panchayats shall be exempt from fees, stamp duties, batta and all charges of every description except that when a petition is made to file the award, a fee will be charged according to such scale as may be fixed from time to time by Government, provided that it shall not exceed the proportion of four annas to every ten rupees of the value or amount claimed. In the case of immoveable property the fee will be fixed according to its market value.

Mad. Reg. V of 1816, S. 13.
Bom. Reg. VII of 1827, S. 3, Cl. 1 S. 4, Cl. 2.
And see Stamp Bill No. 16 of 1877 (Honourable Mr. Cockerell) Schedule 6 art 9 (c).

20. The District Court shall with the previous sanction of the High Court have the power to frame such rules, not inconsistent with the provisions of this Act, as it may consider necessary to guide the procedure of the Subordinate Judges and the Panchayats. It shall also be the duty of the District Judge to exercise as far as may be careful personal supervision over the working of the Panchayats.

N. B. After the article headed "the broken pledge and its consequences" was in type, we were glad to see that the government of India has so far acknowledged the justice of the charge brought against it by the press both in India and England as to volunteer an explanatory statement of its financial condition. It is well the Afghan War has ended in time, that we have not gone to war with Burmah, and above all that silver shows signs of inflation. If the last Budget statement had shown a due regard for the promises of the preceding year, a great portion, though not the whole, of the ill-feeling and bitter criticism, to which it has been subjected, would have been spared; for even the new explanatory statement, so far as it goes, is not calculated to allay *all* the apprehensions of an unprecedently watchful public and the no less vigilant press, but only *a portion* of them.—*By the Editor.*

THE AGRARIAN PROBLEM AND ITS SOLUTION.

It seems very necessary in these times of excitement to whisper into the ears of the authorities that, notwithstanding the troubles and anxieties of the last few months, nothing has happened that we should lose our heads about, the hills are not on fire, the earth has not lost its balance, nor has the sea overstepped its limits. A few misguided hair-brained spirits have gone out into the wilds, and, taking advantage of the utterly defenceless and disarmed condition of the civil population, have stirred up the professional robbers to join them, and committed a few outrages, which the Police, being weak in efficiency and numbers, have not been able to anticipate or quell. A few incendiary and disastrous fires have indeed thrown a lurid glare upon these outrages, but they cannot be rightly understood as significant tokens of sinister combination and widespread conspiracy. Incendiary fires and *farwatia* outrages have occurred, and do still occur, elsewhere than in British India, and they are certainly not sufficient to bring down the heavens upon us or justify resort to extreme and reactionary measures. It is most unfortunate that these events should have happened just at a time when public attention was being concentrated upon the consideration of the most pressing question of the day, on the right solution of which depends all our hopes for the permanent material and moral prosperity of the country. These dacoities would never have been possible but for 'the rebellion of the belly,' which is the one permanent menace to the tranquillity and progress of the people. If there had been no succession of famines in the land, if the ordinary chan-

nels by which labour was absorbed and regulated had not dried up, if poverty and starvation had not stared in the face of many thousands of the people from one end of the country to the other, the dacoits could never have seduced men from their homes. Again, if the country had not been disarmed, if the whole population had not lost all its old habits of watchfulness, if the ruin of the Inamdar classes had not denuded the country of its natural leaders, and reduced all classes to one dead level of helpless dependence, the dacoities would never have assumed any importance, and the Police would not have been left single-handed to cope with the criminal classes, and their outlawed leaders. We are thus forcibly thrown back to the consideration of what may be called the statical and normal conditions of the diseased state of the body politic, we must probe the disease where its roots lie deep in the national heart, if we wish to remove the disgusting surface symptoms which strike our view.

There is, however, little danger that these unfortunate dacoities and incendiary fires will be allowed to divert attention from the great agrarian problem. The discussions and commissions of the last ten years have now established a sufficient basis of admitted facts and well-supported conclusions, which have carried conviction to the minds of the most adversely inclined authorities, both in India and England. The struggle was long and arduous ere the official conscience could be disabused of its long cherished illusions. We, who have borne the brunt of the strife, have certainly every reason to be satisfied with the ground that has been gained. The Deccan Riots Commission's report first opened the eyes of the Government in India and in England to the unwelcome truth that the Revenue Settlement had been a great failure and that the more recent operations of the Department had pauperized the country, and brought the state vessel to the very brink of ruin. A majority of the Commissioners con-

demned both the principles and the practice of the Bombay settlement, and that Department has not yet recovered from the effects of the staggering blows it then received. Like another famous Department which was blown off by the first whiff of the Mutiny troubles, the Survey and Settlement Department has not mustered courage to vindicate its position and justify its existence, and we may soon expect to find that its days are numbered, and that sooner or later it becomes a relic of the past.

We shall here briefly summarize the charges which have been brought against this Department by the official Commission, in respect of which charges it has allowed judgment to go against it by reason of its confessed inability to offer any decent reply. It has been proved by the inquiries of the Riots Commission that the assessments, especially those made in the revised settlements, were made hap-hazard and without reference to any principle, that the old assessments have been too suddenly raised, and that the enhancements have been out of all proportion to any rise of rents, or of the letting value of land, and have thereby destroyed all private property in land. The enhancements were unforeseen, uncertain, capricious, unequal, full of mistakes so gross and so general as to show that the system was itself defective; they were based upon a fallacious assumption of the permanent continuance of the artificial prosperity which the country enjoyed between 1860 and 1870, and upon supposed encroachments and extensions of the cultivated area. The principle of classification followed by the Department furnishes no guarantee against error, and does not allow a sufficiently wide interval between the different classes of doubtful and inferior soils. The Survey Officers disregard the provision of the law which exempts private improvements from being taken into account in fixing their enhancements, and they make no allowance for the higher standard of life and the wants of an increased population, with diminished resources of waste lands to fall back upon.

These and many other defects and faults, which were brought to light by the labours of the Riots Commission, have fully established to the satisfaction of the Government the necessity of an early and sweeping reform in the working of the Settlement Department. This exposure has for ever sealed the mouths and silenced the pæans of triumph which were till then dinned into the public ear, and which lulled to rest the official conscience. It is only the strong tie of official comradeship, at once both the strength and the bane of all bureaucratic oligarchies, which keeps up this costly and mischievous Department of the service. But such factitious support cannot last long, and there are already signs that it will have to succumb to its fate.

If the lines of policy initiated by the Bombay Government in its famous Resolution of the 29th October 1874 had been followed out in full fidelity to its original conception, it would have been possible to stay the alarm in time, and put off the necessity for radical reform for a few years more. Unfortunately the interference of the Supreme Government nullified the beneficial action of the Local authorities, and thereby intensified the distress. His Excellency Sir Philip Wodehouse, the late Governor, proposed to cancel all increases of the assessments made by the Department on the fallacious assumption that the Ryots had encroached upon the state lands. He gave his sanction to a scheme by which all *kharab* (unarable) lands, included in the area but excluded from the assessment at the first settlement of a Ryot's holding, were to be exempted from all additional taxation for the express reason that the conversion of the unarable into arable land was due to the labour of the Ryot, and should therefore be regarded as an improvement caused by the owner, and as such exempted by law from additional assessment. On this point, the action of the Local authorities was overruled by the Government of India, then under the influence of Sir B. H. Ellis and other staunch suppor-

ters of the Bombay system of settlement. Sir Philip Wodehouse also insisted upon laying down fixed limitations to the discretion of the survey officers in the enhancements made by that Department. These limitations were fixed at the maximum figures varying from 33 to 50 and 100 percent of the previous assessments of the Talooka, village, and individual holdings respectively. These fixed limits were justified by the Bombay Government on the express ground that the Survey Department had erred in calculating on the continuance of the high speculative prices which prevailed between 1860 and 1870. The settlements made by the Survey Department were accordingly revised by Mr. Pedder who was then Revenue Secretary to Government.

In consequence of the interference of the Government of India noticed above, Sir Philip Wodehouse's reform was emasculated of its chief strength, and the detailed revisions undertaken by Mr. Pedder, being entrusted to the Department, were thus rendered nugatory and ineffective so far as any practical relief to the Ryots was intended to be secured thereby. For instance, in the Madhe Taluka, where the old assessment of Rs. 1,00,631 had been raised to Rs. 1,74,448, that is, 74 per cent, by the Department, Mr. Pedder reduced it to Rs. 1,42,208,that is to an increase of 41 per cent. In the Indapoor Talooka, where the old assessment was Rs. 81,184, and the Department had raised it to Rs. 1,25,845, or 55 per cent, Mr. Pedder reduced it to Rs. 1,13,142, that is, about 39 per cent. increase upon the old assessment. In the Bhimathadi Talooka, the old assessment was Rs. 81,475 and was raised by the Survey Department to Rs. 1,33,131, or 63 per cent; Mr. Pedder lowered it to Rs. 1,22,571, that is, to a 50 per cent. increase upon the old assessment. In the Sholapoor Talooka, the old assessment had been Rs. 1,74,101, and was raised by the Department to Rs. 3,07,972 ; Mr. Pedder reduced it by Rs. 12,538, being a reduction from 77 to 44 per

cent. In the Haveli Talooka of the Poona Collectorate, the old assessment of Rs. 89,475 had been raised by the Department to Rs. 133,174, or 65 per cent; Mr. Pedder's second revision reduced it to 41 per cent. increase on the old assessment. In the Karmale Talooka, the revised assessment made by the department showed an increase of only 35 per cent. upon the old figures. Government accordingly declined to interfere, oblivious of the fact that the limitations laid down by its Resolution of the 29th October 1874, were intended to be effective not only where the aggregate Talooka assessment was excessive, but also to give equal relief to particular villages, and to individual holdings overassessed. In the Pabal Talooka, the old assessment was Rs. 92,359,and had been raised by the Department to Rs. 139,315, that is 50 per cent. Mr. Pedder contented himself with a reduction to Rs. 127,334, or 39 per cent. increase upon the first assessment.

These details will serve to show how the action of the Bombay Government was cramped, and its original intentions distorted by the interference of the Government of India, and the action of the Survey Department. The relief promised by the Resolution was not secured for the very sufficient reason, that the Departmental revisions had been pitched so high, that no mere tinkering with them could have done any good. The reductions in all cases still left the increase of assessments from 40 to 50 per cent. of the original figures for the Talooka, and as for the villages and individual holdings, Mr. Pedder's revision took no account of them, but left them at the mercy of the Department. It is no wonder that a scheme so maimed in all essential features failed to give relief. The Government at the same time were so frightened at their own goodness that they did their best to cancel their Resolution of October 1874, by another resolution dated 17th December 1874, which laid down the drinciple that the limitations to increase were not

to apply to revision Settlements sanctioned for other Collectorates than Poona and Sholapoor.

The usual consequences of high pitched assessments followed with unexpected regularity, and the old evils of annual remissions and suspensions, which had ceased to disfigure the revenue statements for nearly thirty years, were reproduced in all the revised Talookas. In the Bhimathadi Talooka Rs. 65,000 had to be remitted in 1873-74, Rs. 16,572 in 1874-75, Rs. 19,141 in 1875-76 In the same Talooka Rs. 30977 had to be suspended as outstandings in 1871-72, Rs. 36,623 in 1872-73 Rs. 75,036 in 1873-74, and Rs. 211,937 in 1876-77. In the Indapoor Talooka Rs. 73,160 had to be suspended as outstandings in 1871-72, Rs. 11,907 in 1873-74, Rs. 108,693 in 1876-77 ; while in the same Talooka Rs. 14,229 had to be written off as remissions in 1875-76. In the Kheda Talooka Rs. 21,589 had to be remitted in 1873-74. In the Sholapoor Talooka Rs. 44,921 had to be remitted in 1874-75 ; and Rs. 15843 represented the outstandings in 1873-74, Rs. 2,19,915 in 1876-77, Rs. 41,925 in 1877-78. In the Madhe Talooka Rs. 19,429 had to be remitted in 1871-72, and Rs. 23,906 in 1874-75; while Rs. 35,930 were allowed to remain as outstandings in 1871-72;Rs. 114,384 in 1876-77,and Rs. 17,604 in 1877-78. In the Pandherpoor Talooka Rs. 21750 had to be remitted in 1871-72, and Rs. 9,169 in 1874-75; while the outstandings were Rs. 22,058 in 1871-72, and Rs. 90356 in 1876-77. In the Sangole Talooka, Rs. 21,072 had to be remitted in 1871-72, and the outstandings were in the same year Rs. 9,608, and Rs 58,963 in 1876-77. Notwithstanding these remissions and suspensions, the Ryots found it difficult to pay up the assessment, and hundreds of Survey numbers were sold for arrears of land revenne, and realized only nominal prices, or came back upon the hands of Government unsold. In the Bhimathadi Talooka alone, the number of defaulting Ryots in 1873-74 was 4341, the amount due from whom was Rs. 82,421. To

realize this sum two lacs of acres of land assessed at Rs. 1,35,000 were sold, and realized Rs. 15010 in the sale. As many as 21,252 acres were bought in by Government in 1874-75, and 14,174 acres in 1875-76, for nominal prices. Many hundreds of acres were thrown out of cultivation in all the districts, so that after 30 years of trial, the condition of these unfortunate districts was no better than what it was when Captain Wingate and Mr. Goldsmid, the founders of the Bombay system of settlement, entered upon their inquiries in 1834/35.

With falling prices, with diminished expenditure upon Public Works, with diminished employment of English capital on Railway and other works, with a great increase in population, with no resource of waste lands to fall back upon, with the encroachments of public forests, with increased salt duties, and a new License Tax, with three years of successive famines, in which the agricultural Ryots were allowed no remissions worth the name, with the depredations of locusts and rats their present condition can more easily be imagined than described. The Supa riots, and the recent dacoities can never be understood in their right significance till the history of the fiscal administration for the last 10 years is studied with a serious interest, and with a proper sense of responsibility for the welfare of the many millions of persons who are affected by the action of the Settlement Department, and all the sophistries about the advancing prosperity of the country are discarded as impertinent trifling with the most absorbing problem of the day. It is a hopeful feature of the times that the Ryots' position is now realised in the nakedness of its unmitigated helplessness by the highest authorities of the land. Even the Government of India, which hitherto refused to be persuaded to the contrary, has now deliberately given expression to its view that the latest revisions were based on an unduly high estimate of the normal value of field produce in the Deccan, and that

it is desirable, in view of the great fall of prices and the vicissitudes of the seasons, to order further reduction of the assessment. On another point also the Government of India has now been pleased to admit that the rigidity of the assessment is a grievance which must be remedied by introducing a varying scale of Revenue demand, whereby in the event of a failure of the rains, or other cause of serious damage to the crops, the normal assessment might be reduced by a certain percentage over a whole district, or portion of a district. The recognition of the two facts that the assessments are excessive, and that their rigidity is unsuited to this part of the country, are both most important concessions on the part of the Government of India to the demands of public opinion in regard to this long disputed question.

The only point that now remains to be considered relates to the question as to what steps should be taken to give effect to the liberal counsels which have found acceptance of late with the Government of India. The most experienced officers of Government are now anxiously engaged in the deliberation of this great fiscal reform. We have ourselves come across two schemes of reform, propounded by two of the most philanthropic and experienced District Judges in this Presieency. One of these schemes takes it as proved by the admission of the revenue officers themselves that the revenue rules of Government have contributed to the Ryot's difficulties. In the words of Mr. Pedder, the assessments, moderate in average years, are found burdensome in bad years, when the land does not yield even the peasant's wage, and the necessity of maintaining themselves is one, though not the sole, cause of the peasants' incurring debts. Further as on all inferior lands the cost of cultivation and of the Ryots' subsistence approaches very nearly the whole value of the crop, no profits are earned by him, as he subsists only because he works on his field. There can be, therefore, no economic rent, and the Ryot pays the Government

land-tax, either with borrowed money, or else from income derived otherwise than from his land. On the basis of these proved and admitted facts, it is suggested that in the districts liable to famine, the assessment should be on the crop rather than on the land. Instead of settling the revenue in cash, it should be ascertained what share of the crops should form the assessment, and option should be allowed to the occupant to pay it at commutation rates a little below the market value of the grain. The Government assessment should be one half of the true rent. This fraction of the true rent can be easily converted into a fraction of the gross produce, and thus converted should remain constant. The Settlement in this sense would be a permanent one, though the revenue actually received would vary with the amount of the crops and their market value. Such in brief are the more important features of this scheme of reform.

The other scheme follows the lines of the one we have noticed in all the features above noted except that it is much less complex in its details. The proposal is to give the Ryot the option of paying, instead of the existing cash assessment, one anna share of the gross produce. As the Revenue officers contend that the cash assessments in the Poona District represent only 1/14th of the gross crops, in Sholapoor 1/35th, in Nagar 1/12th, there could be no loss to Government by the adoption of a general tithe of one anna in the rupee. This scheme provides a special machinery for the collection of the tithes which is wanting in the other proposal. The tithes are to be collected by capitalist farmers who will take leases from government for a fixed period, and pay in cash the amounts contracted for by them into the government treasury. This would enable government to dispense with the services of its costly Survey Department, and also to reduce to a considerable extent its revenue collecting agency. The rigidity of the present settlement rules would be obviated, because the levy of tithes would operate as a

sort of a sliding scale of remissions in bad years, and it would be acceptable to the Ryots as a welcome return to the old native custom. It would also encourage the growth of a capitalist class of land farmers, who will be able to save Government from the risks at present incurred in unfavourable seasons, and who, as assignees of Government share, will be directly interested in the prosperity of the Ryots. These two schemes have been put forth by their authors for the consideration of Government, and they propose that they should be introduced experimentally in a few selected Talookas of the Deccan Districts, and their action carefully watched for a number of years to see what improvements may be desirable in their details.

Before such an experiment is made and its results are carefully ascertained, it may be to some extent presumptuous to judge the merits of either of these schemes, yet with all deference due to the experience of the officers who have proposed these solutions of the agrarian problem,, we may be permitted to hazard a few remarks with a view more to stimulate discussion than to lay down any positive theory of our own. Our first impression about both these schemes is that they are too good, and too benevolently conceived in the interests of the Ryots to secure any chance of acceptance from the practical administrators of this country, which is bordering on bankruptcy, and of which the land revenue is the chief resource. If the state is to receive only a half share of the economic rent of the national lands, the land assessments in this Presidency must be at once reduced from three crores to less then two crores. In the N. W. Provinces the settlement is made on the principle of taking from 55 to 60 percent of the net or owner's economic rent. This proportion is felt to be very heavy in those Provinces, which are blessed with a richer soil and more abundant water supply than the parched districts of the Deccan can boast of. The population of those provinces is nearly double of that of this Presi-

dency, while their land revenue is only one third more. On the principle therefore of following the N. W. P. sytsem of taking ½ share of the economic rent, the land revenue, instead of being about Rs. 2 per head as it is now, will have to be reduced by at least one crore of rupees. The Government is certainly not prepared to make such a sacrifice in its present straits. Another way of arriving at the same conclusion is to ascertain the total value of the produce of land, taking of course an average of several years. From the figures published by Professor Dadabhoy Nowrojee and endorsed by Mr. Hyndman, it would appear that the proportion of the gross produce of India estimated at 300 crores of Rupees, which falls to the share of this presidency with its population of 1 crore and 60 lacs, is 40 crores, out of which if the Government land tax is to represent 1/16 share, the land revenue of this Presidency would be Rs. 2/½ crores or about 30 percent of its present figure. The sacrifice would be too great for the Government to make in its present bankrupt condition.

The Poona Sarvajanik Sabha has taken the trouble of ascertaining the views of both the Ryots and the Sowcars in regard to both these two schemes. About 70 of the Ryots and Sowcars of Shinar in the Nasik District have expressed their readiness to pay 1/16 share of the gross produce. About 40 Ryots of Mandavagad, Pimpulsooti, and Shindee in the Shiroor Talooka have expressed their consent to pay 1/16 of the gross produce, and 1/6 of the net produce to Government. About 400 Ryots in the villages of Indapoor, Pimpri, Shegaum Mandangaum, Radesinge, Rajawadi, Kolthan, Varkoote, Takrarwadi, Kate and Shetpal &c. of the Indapoor Talooka, have expressed their willingness to pay 1/16 of the gross produce. About 50 Ryots of Gosewan, Agati, Chadgaum, Warkoote, in the same Talooka consent to pay 1/16 of the gross, or 1/6 of the net produce. About 100 Ryots from the villages of Kargam,

Warwand, Koosegaum, Korolee, Wagone, and Supe have expressed their consent to pay 1\16 of the gross, or 1/6 of the net, produce. About 20 of the Sawkars and Ryots of the Tasgaum Talooka in the Satara Collectorate have expressed their willigness to pay 1/16 of the gross produce of the Jeerait land, and 1/20 of the Bagayet land. It may be gathered from these details that there is a sort of consensus of opinion on the part of both the Ryots and the Sowkars that there would be no ground left for complaint if the Government demand were confined to the levy of 1/16 of the gross, and 1/6 of the net, produce; which latter amount comes as nearly as possible to one half of the economic rent, or the letting value of the land. The opposition to both the schemes would therefore come entirely from the Government, and we do not see our way to ensure their acceptance by the authorities under the present circumstances.

Independently of this consideration, we should feel no hesitation in giving our preference to the latter of the two schemes, which would fix 1/16th of the gross produce as the limit of the assessment. It is much the simpler of the two. It would involve no nice inquiries into the rent rolls of the country, it would commend itself to the people as a return to the old order of things, and it would secure the interests of Government in bad seasons much better by interposing between the Ryot and the Revenue official a capitalist middle-man who would be in a position to pay the Goverment dues without fail, if only his position were properly assured and guaranteed. Our only objection to the scheme is that it would be too wide a departure from the established order of things to be properly appreciated by the persons in responsible charge of the government of the country. In all matters of reform it is essential to bear this consideration in view, namely, that the departure from the established order of things shall be minimised as far as may be possible. The present tax-gathering machinery is so

completely developed in all its parts from the Revenue Commissioner and the Collector down to the village Patel and the Koolkarnee, so many vested interests have grown up in the long course of years that the substitution of an entirely novel machinery, such as that of the farmers of the 1/16th tithes, would introduce elements of trouble and disturbance which would of themselves be deemed by Government to be sufficient to withhold their sanction to any such experiment. Moreover the farmer of revenue will most certainly not be able to maintain himself in his new position without making encroachments upon the rights of the occupants of Government land. In fact, the scheme as proposed contemplates their eventual elevation to the status of Zamindars. The Bengal Zamindars are not in high favour with the Government of India, and several authorities on that side have not hesitated to condemn Lord Cornwallis' settlement as a great mistake, which the Governmet cannot too soon rectify, and it has been the steady policy of the last few years to nullify, as far as the solemn engagements of Government admit of it, the guarantees given by the settlement. All these considerations weigh heavily against the scheme, and preclude all chance of its being ever adopted with that earnestness of purpose which alone can ensure its success.

Having thus expressed our views about the merits of the two schemes noticed above, it will be expected from us that we should be prepared to suggest a scheme of our own, which will be free from all the objections which have been urged above. It is with great diffidence that we submit such a scheme. We take, however, our stand not upon economic theories or ancient custom, but we found our own scheme upon the basis of the despatches of the Secretary of State, viz, Sir Charle Wood's despatch of 1862, suplemented by Sir Stafford Northcote's Despatch of 1865. These despatches represented the outcome of the deliberations of 30 years, and were intended to be opera-

tive throughout all the old and settled districts of British India. Had it not been for the fact that Sir John Lawerence, the then Governor-General of India, was opposed to these measures, full effect would have been given to these views of the India Office long ago. The Despatches directed the extension of the permanent settlement of land upon the cash rates then in force to all provinces, where 80 percent of the arable land was under cultivation, and where there was no likelihood of any Irrigation or Railway Works being extended. Both these conditions, it will be at once admitted, apply in the fullest measure to this Presidency, for it appears from an official statement published by the Bombay Government that out of 24,220,022 acres of culturable Government land the occupied area is 21,599,597 acres, or nearly 90 percent. Since the completion of the great Railway lines, there is not much room left for any extension of the Railway system, and as for irrigation works, the circumstances of this Presidency afford little scope for any profitable developement in that direction. There is thus no excuse left for refusing to extend the benefit of those Despatches to this Presidency. The cash rates, which at present obtain in all the unrevised settlements, have been found by 30 years' experience to be practically beneficial to the Ryots,and by no means injurious to the interests of Government. In those Talookas where the revised rates have been introduced,they have proved to be utter failures by the experience of the last 10 years. All that the Government has therefore to do under the circumstances is to take the unrevised rates as a basis, and make them permanent all over the Presidency. This would involve no loss of actual revenue, for the loss involved in the return to the old rates in the revised Talooks would be only nominal, because, as we have shown above,the increased assessment has never yet been collected without recourse to oppressive measures, and frequent remissions, and suspensions. The saving effected by the abolition of

the Settlement Department, which would have no work left for it, would be clear gain in these hard times, when Government is at its wits' ends to find out sufficient scope for retrenchments. The existing arrangements for the collection of revenue will remain undisturbed, no nice calculations of economic rent will have to be made from year to year, nor will there be any necessity left for substituting grain in place of cash payments, no new class of farmers or middle-men will be artificially created to cause annoyance to the Ryots, and suspicion to the officials. These advantages will we hope commend the scheme to the favourable consideration of Government.

We are quite aware that it may be objected to the proposal we have made, that it will work no immediate change in the position of the Ryot, and in his relations to the Sowcar. We regard this more as a recommendation than as a draw-back. There can, however, be no doubt that the conversion of the cash rates, of the old settlement into a permanent land tax would effect a most desirable change in the course of time, and would remedy all existing evils in a smooth, natural, and imperceptible manner. These rates having been proved to be moderate by the experience of 30 years, will most certainly encourage private capitalists to invest their earnings in the land to an extent which, under the present arrangements, is found impossible. As all the old settlements are now rapidly approaching the completion of their 30 years' term, there is not an estate in the country which can be said to be secure from the most arbitrary enhancement at the resettlement. The painful experience of the last 10 years in the revised Talookas has shaken general confidence in the pledges given by government that they will not tax improvements. The present race of capitalists have no inducements to invest their savings in the improvement of land. Their advances are all made for the Ryots's personal and un-

productive expenditure, and mostly at usurious rates of interest. The new legislation intended for the protection of the Ryots, has absolutely increased the risks, of lending and with it the rates of interest, and rendered co-operation between the labouring and capitalist classes all but impossible. With the extension of the permanent settlement, a better confidence will be engendered, and the friction between the two classes will be much less than it is felt to be at present. Under the present arrangements the land tax is paid really by the Sowcar, but not on his own account. He pays it as an advance to the Ryot along with his other advances for seeds and subsistence ; when the settlement is permanent, his position would be legalised, and insured against all risk. The thrifty Ryot will of course maintain his own place, and will extend his operations, and rise to a better position. The indifferent and lazy Ryot will make way for better people, who will take his place with great advantage to the general interest. The change will not be sudden, but a slow and organic growth, and the new order of things will develope the best energies of all classes without any shock to vested interests. Of course in course of time the provident and thrifty classes will succed to the ownership of land, and a class of land-lords would spring up all over the country, whose interest it will be to make the most of the resources of the soil, and of the great public works constructed by Government. At present the enormous expenditure of Government on Railways and Irrigation works is all but thrown away on account of the all-pervading poverty of the so-called peasant proprietors. The political and social advantages of such a change would be even more important than the economical ones. The monied classes, having at present no interest in the land,cannot occupy the position, nor enjoy the status, nor discharge the functions of land-lords. The absence of such a class retards progress in all directions. The Presidency of Bengal enjoys this advantage over the rest of India, and this

circumstance alone accounts for its prosperous and progressive condition. The change, we have proposed, will secure the same, if not better, benefits to the other Presidencies of India.

We are aware that the spirit in which the measures of protective legislation at present in favour with Government are conceived, will not dispose the authorities to extend their support to any scheme of the sort we have sketched above. We have, however, no misgivings on the point that, sooner or later, the Government of India will be forced to retrace its steps, and give in its adhesion to our proposal. The resources of the British Government are indeed great, and its power overwhelming, but great as are these resources and powers, they cannot fight against the elements without being discomfited. In all old and backward countries like India, there is always only a minority of people who monopolise all the elements of strength. They are socially and religiously in the front ranks, they possess intelligence, wealth, thrifty habits, knowledge, and power of combination. The majority of the population are unlettered, improvident, ignorant, disunited, thriftless, and poor in means. No political manupilation can hold the balance between these two classes, power must gravitate where there is intelligence and wealth, and it is a hopeless struggle to keep up a poverty-stricken peasantry in possession of the soil, and divorce the natural union of capital and land. The Ryots must grow in thrift, in knowledge, and in power of combination, before such a position can be realised. All the countries of Europe have passed through this stage, England even not excepted. Peasant-proprietors thrive well in France, because the difference between the French peasantry and the other classes of the population in all the elements of power is not so marked as in India. The French peasant knows thrift, is prudent enough not to marry till he has means, works day and night on his farm, knows to read and write, he is the lord of

the soil, and not a tenant of the state, and his political education has qualified him to realise his equality with the best blue blood of the country. There can therefore be no comparison between such a class and the rack-rented Indian peasantry. Democracy cannot be transplanted into the Indian soil at a start, it will take many generations of patient education and the discipline of freedom to raise the Indian peasant to a sense of his equality with the Brahmin and the Bania. There is only one way out of the difficulty. Government must retrace its steps, and allow this country to grow and progress on the same lines which every other country in the world has followed with such ultimate success.

The prospective loss to government of what economical writers call 'the unearned increment' has been advanced in some quarters as an objection to the scheme we have suggested. It is a public misfortune that theorists, who find no scope for their hobbies in England, are allowed to inflict their mischievous fallacies upon this country with unrestricted freedom. The unearned increment theory is one of those hobbies which has been ridden to death in this country, involving the Government and the people in common confusion and ruin. We do not see, however, why there should be any such loss of the unearned increment. On the other hand, we firmly believe that with the ever increasing poverty of the agricultural classes, there is little scope left for the unearned increment. The present revenue policy effectively diminishes the surplus of production by rendering impossible all improvements in the land. Moreover, there can be no doubt, that with the extension of the permanent settlement, and the development of the resources of the country, the increment, earned or unearned, will be so great that the direct and indirect taxes will yield a sure and certain increase of income from all sources, which will go to make up more than all the deficiency arising from the loss of this unearned incre-

ment. This is our solution of the agrarian problem; the only one which we feel sure will set at rest the present troubles, and quell 'the rebellion of the belly,' which now disturbs the sense of security of the people, and the equanimity of the ruling authorities.*

N. B.—In connection with the solution of the agrarian problem as proposed above we may be permitted to produce the following extract from a letter which we received a few months back from one of our esteemed English friends. Our friend who has had long experience about the Zemindari Settlement in Bengal, having passed the best years of his life in the Bengal Presidency, and who from the position he occupied there is entitled to speak with authority on the subject, is of the same opinion, that unless the benefits of the permanent settlement system be extended to the Bombay Presidency, the position of the Ryot will never be improved. The letter is dated London 20th December 1877, and we leave our correspondent to speak for himself:—

Your excellent article on Sir Erskine Perry's "Notes on the Deccan Riots Report" deserves the attention of all who have the welfare of India at heart. Improving the administration of justice and rendering legal justice accessible to the masses are doubtless two questions most intimately connected with the happiness of the people. At the same time it is an error, I believe, on the part of Sir E. Perry, whatever unfair advantages Sowcars may have taken of the law, to ascribe chiefly to their action, the evil from which the Deccan riots arose. There is ample evidence to show that the rigorous demands of the revenue officers compel the cultivators to have recourse to the money-leaders, and that the evil originates in demands being made, which the people cannot satisfy without recourse to the demoralising practice of constant borrowing. If this be so, the remedy to the evil must lie in the permanent settlement of the land tax on terms consistent with justice and moderation, which, by increasing the value of land as a security, would enable the cultivator to borrow on less onerous terms than those he has to submit to now, and would afford him the chance of ultimately freeing himself from debt. Regularity in the collection of the revenue as well as the prosperity of the agricultural classes would be promoted by such a measure; and as its tendency would be to render the cultivators less dependent on the Sowcars, the animosity, which was the ultimate and immediate cause of the Deccan

riots, would not attain the same degree of virulence. Such has been the course of events in Bengal under the Permanent Settlement, whenever a cultivator was able to purchase *Putnee* or perpetual lease of his field as he could then take a correct account of his liabilities and safely incur expense in improving his farm.

If you agree with me in what I have stated, I shall be glad to see the Sarvajnnik Sabha take up the question of impressing the Government with the facts, 1st that agriculture cannot flourish as long as cultivators are subjected to arbitrary demands on the part of the Government, and 2nd that the interests of the revenue as well as those of the people would be promoted by a *permanent* settlement of the Government demand on a just basis; as not only would the land revenue be then collected with regularity, but wealth would be created which would, under the general taxation of the country, afford additional revenue to the State.

Comments on the above are quite superfluous. It will be seen from the foregoing extract that the proposal of our English correspondent exactly tallies in its main features with the one contained in the above contribution. That the Government of India will sooner or later be compelled to retrace its steps and extend the benefits of the Zemindari system of Bengal to all the other parts of India, we firmly believe. Now that the attention of the British public has been conspicuously drawn to the deplorable condition of the Indian Ryot, the requisite pressure will, we hope, be brought to bear at no distant date upon the government of India to solve the agrarian problem in the only way in which it can be effectually and definitively solved.—*By the Editor.*

THE BROKEN PLEDGE AND ITS CONSEQUENCES.

In the July number of *Macmillan's Magazine* for 1875, there appeared an able and interesting paper headed "the Political Situation in India" by Dr. Routledge, Editor of the now defunct *Friend of India* of Serampore. In that paper the learned Doctor gave us the substance of a conversation he had with Rao Raja Sir Dinkar Rao K. C. S. I., the late Prime Minister of His Highness the Maharaja of Gwalior. We need scarcely remark that as a loyal and sincere well-wisher of the British Government, whose unswerving loyalty and firm devotion towards the British Government mainly contributed to the suppression of the Sepoy Mutiny of 1857, and to the subsequent re-establishment of its power, the opinions of Raja Sir Dinkar Rao on the political situation in India are entitled to great weight. The Raja's loyalty and integrity being admittedly unimpeachable, we think it will never be contended that he would indulge in any unfavourable and desponding view of the present political situation without adequate and strong grounds. Dr. Routledge tells us that, in the opinion of Sir Dinkar Rao, the British influence in the country,—we of course mean the moral influence,—was never before so weak and on the decline as it has been of recent years. And why? Because, according to Sir Dinkar Rao, the word of an Englishman, which in days gone by used to be as good as a promise engraved on a stone, is in these days regarded as nothing more or less than a bankrupt's promisory note. This change in the relative value of the word of an Englishman is attributed by Sir Dinker Rao not to any wilful change of attitude on the part of the people of the country, but to the policy of the government itself. We not unfrequently

hear from old men, of a generation now passing away, narratives illustrating how the mere word of an English officer used to be regarded by the natives of the country generally as good as, if not better than, the most solemn and sacred promises of an exceptionally honest native potentate. In this respect the credit of an Englishman in those days stood very high, and this fact may be safely regarded as the one great secret of the success of the British rule in those early days. If you ask any old man why in his time people were so much attached to Sir John Malcolm, Mr. Elphinstone and other early English statesmen of their type, and why he himself cherishes their memory with fondness and holds them in deep reverence, his answer will invariably be that, unlike the Englishmen of the present generation, they used to be very jealous in most religiously and scrupulously observing their word of honour, that in short, come what might, they never violated their promises, whether oral orwritten. Such a conduct on the part of the great statesmen, who had the courage of their convictions, could not but leave its own mark on the minds of a troubled people, and attach them to the new and foreign yoke. In all respects the conduct of the Englishmen of that generation towards the natives of the country was extremely conciliatory and considerate; so much so indeed that the natives of the country vied with each other in extolling the conquerors at the expense of their own country-men. The spirit, which appears to have dictated the circular of instructions to his assistants issued in May 1823 by Mr. W. Chaplin, the successor of the great Mr. Elphinstone in the Commissionership of the Deccan, is an instance in point. The spirit of conciliation and consideration, which is observable in that old and interesting state document, is quite rare in these days, when the very existence of such a document appears to be entirely ignored. Another illustration of the same noble love of truth, and the inviolable sanctity of promises is

afforded by the conduct of Sir John Malcolm, who when he had persuaded the great Sirdars, Vinchoorkar, Purandare and others to leave the Peshwa Bajirao's side, gave them an oral assurance that their Saramjams would be continued intact. The Commissioner Mr. Elphinstone thought these promises were exorbitant, and he consequently referred the matter to Sir John Malcolm, requesting that statesman to state whether those promises were written or simply oral, and how far they were to be deemed binding upon the government. And now mark what that noble-minded, truth-loving, and illustrious soldier-statesman wrote in reply to the reference made to him by Mr. Commissioner Elphinstone. Sir John Malcolm wrote:—"In explanation of mine of the 4th June I have to state that the assurances I gave to the representatives of the Jahagirdars,—Vinchoorkar, Purandare, and Gokhale, regarding their personal lands were *so strong as to amount in my opinion to an engagement, and I should consider them as binding upon the British faith as if such had been written.*" The Italics are our own; and we direct the attention of our readers particularly to that part of the foregoing sentence from Sir John Malcolm's letter, which we have italicised. The incident recorded above is very creditable to both the parties concerned. It also serves to strongly corroborate the observation made by Rao Raja Sir Dinkar Rao during the course of his conversation with Dr. Routledge. It is therefore as clear as the noon day sun, that whatever may have been short-comings of the past generation of English statesmen, deliberate violation of their pledges, whether verbal or written, was not one of them. This virtue along with several others, such as the love of justice, fair play and respect for native opinion and regard for their feelings, which characterized the dealings of the Englishmen of those days with the natives of the country, made a strong and favourable impression upon the latter, and conciliated them to the altered state of things.

Let us now contrast the former with the present state of things, and see whether the comparison is creditable or otherwise to the present generation of our rulers. We feel constrained to have to observe at the outset that the comparison, if instituted, will prove anything but creditable and favourable to the present generation of our rulers. Several instances might be adduced in corroboration of what we have said above, —instances of most solemn and sacred pledges remaining unfulfilled and unredeemed, though many years have elapsed since these pledges had been vouchsafed to us. But we will confine ourselves here to two instances only. First of all we shall dwell briefly on the pledge repeatedly given to the natives of India regarding their admission to posts of honour and emolument; and we shall then pass on to the consideration of the second instance we propose to adduce,—an instance about which even independent Englishmen like Mr. Yule, Chairman of the Calcutta Chamber of Commerce, and the leaders of the English Press have been compelled to take Government to task in no measured terms,—we mean the misappropriation of the Famine Insurance Fund.

To say nothing of the *regime* of the lata Honourable East India Company, the Royal Proclamation, which Her Most Gracious Majesty the Queen of the United Kingdom issued on the occasion of the direct assumption by the crown of the Government of India, declared in the most unequivocal and unmistakeable terms that no invidious distinction would be made in giving away posts of emolument and trust. The words of the Proclamation are :—"And it is Our farther will that so far as may be, Our subjects, of whatever Race or Creed be freely and impartially admitted to Offices in Our services, the duties of which they may be qualified by their education, ability, and integrity, to discharge." Such was the pledge vouchsafed to the natives of India by Her Most Gracious Majesty, the Queen of the United Kingdom and Empress of India,

but the Viceroy himself, and the Secretary of State for India admitted only the other day that it remains unfulfilled and unredeemed up to the present moment. Her Majesty did not by this Proclamation give any new pledge or vouchsafe to the natives of India any privilege which they had not enjoyed before; for we find the Imperial Parliament enacting as early as 1833-34 that "no native of India shall by reason only of his religion, place of birth, descent, or colour, or any of them, be disabled from holding any place, office or employment under the said East India Company." Historically speaking, the natives of India were on that occasion secured the charter of their liberties for the first time since the introduction of British rule in the East; and it will be thus seen that the Royal Proclamation of 1858 only reaffirmed this prior pledge in the most solemn manner. And though more than forty years have passed since the pledge was first given, and nearly twenty years since it was reaffirmed in the most solemn manner, yet we find it remaining unfulfilled and unredeemed to this hour, and the natives of the country in no way much better situated in that respect than what they were before the pledge was given. And why should this be the case? Because, as the present Viceroy has himself admitted in his now memorable convocation speech at Calcutta in 1877, those who have been entrusted with the faithful performance and fulfilment of those pledges will not make up their minds as to how those pledges should be given effect to. Before the first administration of Mr. Disraeli (now Lord Beaconsfield) ended in 1868, Sir Stafford Northcote, who was then the Secretary of State for India, and as such was the sole arbiter of the destinies of India, made a decent commencement towards the fulfilment and realization of these pledges by founding nine scholarships for inducing the natives of India to go over to England, and to compete for the Indian Civil Service Examination. For a time at least these scholarships would have satisfied the

natural aspirations of the natives of India. But with the accession of Mr. Gladstone's Cabinet to power, His Grace the Duke of Argyll, who became the Secretary of State for India, abolished these scholarships on at the best very frivolous pretexts and induced the Parliament to enact instead that the power of appointing natives of India to places of emolument and trust under the crown should be vested in the Viceroy and Governor-General of India in Council. Though more than eight years have passed since the new Act was passed, nothing substantial has as yet been done to give effect to the wishes of Parliament, except that much time and paper and ink have been wasted in sending despatches to, and from, England. And we shall not be much surprised if this process of procrastination and delay is carried on, till the Act of 1870 makes room for some other, and that too in its turn makes room for something else. In March last, Professor Fawcett, who is so untiring in his energy in doing all he can to farther the interests of the unrepresented millions of India, asked Mr. Stanhope, the Under Secretary of State for India, what steps had lately been taken for the admission of a larger number of the natives of India to places of emolument and trust, and whether, if there had been any correspondence on the subject, he would lay it upon the table of the House. In reply, Mr. Stanhope stated that the admission of a larger number of the natives into the Civil Service of India had occupied the special attention of the present Viceroy, and farther that proposals were received from the Indian government last year for the admission of the natives to a higher class of offices than had hitherto been conferred on them, and that Lord Cranbrook cordially approved and accepted the principle, and made certain suggestions as to the mode of giving effect thereto. Mr. Stanhope concluded by saying that, as the correspondence on the subject was still going on, it would be inexpedient to lay it upon the table of the House, though he said he could assure

Professor Fawcett that no time would be lost in giving effect to the decision. This assurance is of a piece with the rest, and is far from reassuring on account of its vagueness. Months have passed since this assurance was given, and since Sir Erskine Perry, through the pages of the *Nineteenth Century*, announced that there was a bright future in store for the natives of India, as a despatch on the subject of the admission of a larger number of the natives into the Indian Civil Service had been sent to India, giving liberal effect to the promises held out so long, and likely for the present at least to satisfy all the legitimate aspirations of the educated portion of the people. The mountain, however, is still in the travails of labour, and the ever lasting correspondence has not yet ended. And if we are not much mistaken, no action will be taken till the government of Lord Beaconsfield goes out of office, when on some grounds or other the proposals, the principle of which we are told has been cordially approved and accepted by Lord Cranbrook, will be discarded, and fresh correspondence will ensue between the Liberal Secretary of State and the Indian government. The experience of the past amply justifies us in thus giving expression to our despair. Since the Act of 1870 was passed, nearly a decade has been spent on deliberations regarding this important subject by the Cabinets of Mr. Gladstone and Lord Beaconsfield. What progress, however, have we made towards the accomplishment of the main object in view? It is not necessary to attempt to answer this query, as we feel sure that public opinion in this country has already despaired of securing any reform worthy the name as the result of these deliberations of the Beaconsfield-cum-Lytton Government, unless the conscience of the British nation, awakened to the exigencies of the situation, steps in and puts a stop to this scandalous process of trifling with the highest interests of India, by bringing its pressure to bear upon the Imperial Parliament.

We shall now pass on to the consideration of the second instance we have alluded to above of political breach of faith which has been committed by the authorities. We may be permitted to premise at the outset that the instance, which we propose to notice at great length in the following pages, differs from the preceding in this respect that, while in the one case we complain only of the scandalously long delay in fulfilling and redeeming the pledges given by Parliament, in the other case there has been an openly avowed renunciation on the part of the authorities of all obligations to fulfill and redeem their solemn promise only made a year ago. What that pledge was, and how the government have utterly renounced all obligation on their part to fulfill and redeem it, will appear from the sequel.

It will be remembered that after the sad experience of the unprecedentedly terrible calamity which afflicted the whole of Southern India for two years, the government of Lord Lytton deemed it advisable and necessary to make adequate provision from the ordinary revenues of the Empire for future calamities of the same kind. The experience of the past ten years was duly taken into consideration, and it was resolved that, as famines were of late much more frequent in their occurence, the expenditure consequent upon them should not be defrayed by borrowing, but that due and adequate provision should be made for the same from the ordinary revenues of the Empire; that in short this item of expenditure should be treated as forming part not of the extraordinary, but of the ordinary expenditure. That some such arrangement would be proposed and ultimately carried out after the extinction of the last famine, was anticipated by those who had carefully watched the progress of events, and had closely observed the official utterances on the subject. The Royal Speech from the Throne on the occasion of the opening of the Session of Parliament for 1877 sounded the first note on the subject. "I deeply

regret the famine" said Her Majesty, "which is not less serious in its aspect than the one in the year 1873, and which has overspread a large portion of the Bombay and Madras Presidencies, and I am confident that every resource will be employed to arrest its progress, and *obtain experience in order to prevent a recurrence of the same, and mitigate the suffering arising therefrom.*" Pursuant to the declaration of policy made in the foregoing extract from the Speech from the Throne, the government of Lord Lytton took time by the forelock, and before the calamity in Southern India had been over, announced its intention of creating and and establishing a Famine-Insurance Fund. The object was sacred and was universally admitted to be a fair charge on the tax-paying resources of the country. It was this feeling of the duty of saving life during famine that considerably tempered the opposition which, under different circumstances, would surely have been made to the proposals of the Government of Lord Lytton. The people everywhere accepted the wisdom of the proposal to create and establish a Famine Insurance Fund. There was an unanimous opinion on that point, though there was, and is even now, a difference of opinion as to whether this insurance fund should have been formed by retrenchment of expenditure or by additional taxation; and if by additional taxation, whether by invidious class taxation, or by a general tax whose burden shall be equally or at least proportionately distributed on all classes. It was only on these points that the difference of opinion existed, and does exist even now. Notwithstanding this difference of opinion the opposition offered to the policy pursued by the Government of Lord Lytton was considerably tempered, as we have already remarked above, by the fact that, however faulty in principle and in execution the mode of accomplishing the object in view might be deemed to have been, yet the object itself sought to be attained

was considered sacred. Moreover Lord Lytton and his Finance Minister, Sir John Strachey, pledged in a most solemn and serious manner their word, that not a single rupee of the proceeds of the special taxation levied for special purposes would be diverted from its legitimate and sacred purposes. This assurance, proceeding as it did from the highest authorities, went a great way in disarming the opposition to the taxation measures, invidious though they unquestionably were. The following extracts from the speeches delivered by Lord Lytton and Sir John Strachey before the Vicergal Legislative Council will give our readers an adequate idea of the binding nature of the pledges given by them.

On the 27th of December 1877, Lord Lytton during the course of his speech in the Viceregal Legislative Council dwelt upon the necessity of new taxation in the following terms :—

In the next place, we believe that, if this principle (of decentralization) be fairly carried into effect, the new imposts, which the Council is now asked to sanction, will, when added to the resources already created, provide the State with sufficient means for the *permanent* maintenance of a national insurance against famine, without heavily increasing the pecuniary burdens of its subjects. For the attainment of this object, the material appliances we intend to promote by means of additional revenue are cheap railroads and extensive irrigation works. *We are conscious of the reproach we should justly incur if, after such a declaration as I have now made, the prosecution of these necessary works were commenced, suspended, or relinquished, according to the increased or relaxed pressure of annual circumstances, or the intermittent activity of spasmodic effort.* We therefore propose to entrust, in the first instance, to the Local Governments the duty of framing a sufficient and carefully considered scheme of local railroad and irrigation works. We are prepared to provide them with the means whereby they may from year to year work systematically forwards and upwards to the completion of such a scheme. *The funds locally raised for this purpose will be locally applied.* But Provincial Governments will have to meet the cost of provincial famines out of provincial funds to the fullest extent those funds can bear. They will find that thriftless expenditure in one year may involve the risk of diminished allotments in subsequent years; and I cannot doubt that the unavoidable recognition of this fact will make them wisely eager to spend the requisite proportion of their annual income upon well-planned and

carefully estimated railway and irrigation works, which will be their best insurance against the losses of famine, and the postponement of all administrative progress which famine generally entails. * *

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I can well imagine that many of those I am now addressing may be disposed to say to me—"Your good intentions are possibly sincere; but the path to the nethermost pit is already paved with good intentions. Promise is a good dog, but performance is a better; we have often heard the bow-wow of the first; we have yet to see the tail of the second. We have been told over and over again by the high authorities that India is to be insured against famine in this way, or in that; but when famines come upon us, we find that the promised way is still wanting. The current claims upon the activities and resources of the Government of India are so numerous, so pressing, so important, official forces and imperial funds so necessarily limited, that when once the daily, hourly strain of a great famine has been removed from a wearied administration and impoverished treasury, its fearful warnings are soon forgotten; its disquieting ghosts are quickly exorcised by the conventional declaration of some unexceptional principle; its bitter memories decently interred beneath the dull *hic jacet* of a blue book; and there, for all practical purposes, is an end of the matter." Well, then, I think I am entitled to point out to the Council that we are not now fairly open to this customary criticism. We do not speak without having acted; and we promise nothing which we have not, after long and anxious consideration, provided ourselves with the means of performing. I must have very imperfectly explained myself thus far, if I have failed to make it clearly understood that I am not now speaking of what we ought to do, or would do, to insure this country against the worst effects of future famine, had we only the means of doing it: but *of what we can do and will do*, with the means already provided for in the measures now before the Council.

On the same day during the course of his speech on the Financial Statement, which was submitted to the Council, Sir John Strachey thus set forth the objects of the new Taxation Bills in the following terms:—

The objects of the Government, it will have been gathered, are twofold, first, to obtain that addition to the public income which experience shows to be required to meet the charges that arise, directly or indirectly, in a series of years, by reason of scarcity and famine; and second, to secure a proper margin for ordinary surplus to meet those unforeseen irregularities in the Revenue and Expenditure, which necessarily lead to differences between the estimates of the year and the actual accounts. As to the first of these objects, I

desire to say that the recognition by the Government of this new obligation, implies no suggestion of diminished public wealth or a decaying revenue. Rather, the very contrary is true, and it is the stronger perception of the generally advancing condition of the community, and of its requirements and capacities, that has induced this movement. *It is the firm intention of the present Government to apply the funds now to be provided for this special purpose, strictly to the exclusive objects which they were designed to secure.* In such matters, no doubt, Governments cannot fetter their successors, and nothing that we could now say or do would prevent the application of this fund to other purposes. Without thinking of a future far removed from us, events might of course happen which would render it impracticable even for us, who have designed these measures, to maintain our present resolutions, So far, however, as we can now speak for the future, the Government of India *intends to keep this million and a half as an insurance against Famine alone.* In saying this I should explain that we do not contemplate the constitution of any separate statutory fund, as such a course would be attended with many useless and inconvenient complications, without giving any real security. Unless, then, it should be proved hereafter by experience that the annual appropriation of a smaller sum from our Revenues will give to the country the protection which it requires, we consider that the estimates of every year *ought to make provision for religiously applying the sum I have mentioned to this sole purpose, and I hope that no desire to carry out any administrative improvement, however urgent, or any fiscal reform, however wise, will tempt the Government to neglect this sacred trust.*

It is not only Lord Lytton and Sir John Strachey who pledged their word not to spend a single Rupee of the special resources thus created upon works of a different character, but the members of the different local governments, who introduced the same bill in the local Legislative Councils, spoke precisely in the same strain and vouchsafed precisely similar pledges. In introducing the Bombay Trades License Tax Bill into the local Legislative Council we find the Hononrable Mr. Ashburner explain the objects of the new taxation in the following glowing terms :—

I may be expected to state how we propose to expend the money we shall raise by this tax. In reply I may refer to the able exposition of the policy of the Government of India which appears in Sir Andrew Clarke's speech before the Vice-regal Council, but I may summarise it by saying we propose to spend it in three ways,—in water-ways, in railways and in road-ways. I apologise for the inadvertent pun. We do not propose to allow gentlemen who have what

I may call "water on the brain" to ride their hobbies at our expense, but if they feel confidence in their schemes, we shall be prepared to listen to them and to give them every assistance and support in carrying them out. We, however, with this reservation, propose to push on works of irrigation and navigation wherever they are practicable. Experience has taught us that facilities for communication are all that is necessary to enable us to combat famines successfully. During the late famine it was found that wherever there were communications, that was quite sufficient. The ordinary operations of trade did all else that was necessary; the surplus food of one district was conveyed to the starving population of another with the utmost certainty and precision.

The extracts are no doubt lengthy, but they are essentially necessary for our purpose, for they leave no doubt whatever on the mind of the readers as to the intentions of the government on the occasion. These extracts generally, but more especially the portions thereof we have italicised, amply prove that the solemn and sacred pledge given to the natives of India by no less a personage than the representative of Her Most Gracious Majesty the Queen-Empress of India,—a sovereign whose reputation for the inviolable character of her sacred word of honour has never been sullied,—was as binding and complete, as it is possible for any human pledge to be. We feel perfectly confident that, had it not been for this pledge, which Lord Lytton and Sir John Strachey vouchasafed to the natives of this country, the taxation measures of 1878 would have evoked the greatest possible opposition from all parts of India, and that the debate in the House of Commons on the memorials sent out from all parts of India against the Trades License Tax Act, would have ended in a majority for the Opposition, and not for the Ministry. We are led to this conclusion by the actual result of that memorable debate in the House of Commons on the motion of Mr. Fawcett, which eventually resulted in only a small majority for the Government. As it was, however, this opposition was disarmed of its chief sting, as it were, by the voluntary obligations which Lord Lytton and Sir John Strachey entered into with the natives of India, to wit,

that not a single rupee of the special resources thus created shall be spent upon works of a different character, but that they would be most scrupulously and religiously devoted towards the exclusive construction of such works as would insure the country against the repetition of the horrors of the last famine. It was universally admitted on all hands that the object aimed at by the government of Lord Lytton was laudable and noble in the extreme, though a good deal of objection was taken to the invidious distinction made in levying the Trades License Tax by exempting from its operation all government servants, professional men and others having settled incomes. It was contended that, as the objects of the Famine-Insurance Fund were so general and comprehensive, all classes should be made to pay their reasonable share towards the formation of the fund intended to insure the country against the repetition of the horrors of 1876 and 1877. The government of Lord Lytton, however, thought differently, and ruled that those who required the state-help most in seasons of drought, and those who were actually benefitted by high prices prevailing in such seasons, should be made to pay towards the fund, and not those who never looked to the state to maintain them alive in such seasons of drought. In a despatch relating to the Bengal Famine of 1874 Lord Salisbury wrote as follows:—"While we fully admit the obligation which rests upon the state of preserving the lives of the people, it cannot be doubted that the primary responsibility for providing for their own support ought to rest upon the people themselves. The duty of the state does not extend farther than to see that the needful means are supplied for giving effect to the principle, and for distributing the local burdens arising from its practical application in the manner which shall be most equitable and least onerous to those who have to bear them;" and it would appear from Sir John Strachey's speech from which we have quoted above,

that the government of Lord Lytton strained the principle laid down by Lord Salisbury to the utmost, when they ruled that those who required the state help most in times of drought, and those who derived great benefits from the rise of prices consequent upon local scarcity, should be called upon to pay towards the fund. It is not our present purpose to adduce any arguments in refutation of the novel principle that the insured alone ought to pay the premium of insurance. It will be, however, readily admitted that the very arguments which Sir John Strachey brought forward for excluding the official classes, professional men, and those having fixed incomes from the operation of the Trades License Tax, prove in an eminent degree that it was not a tax for the general purposes of the empire, but a special levy for a special purpose, and that the funds thus created could not in any way be incorported with the general revenues of the Empire. Such being the case, the announcement which the Government of India made in their last Budget Resolution, that the Famine-Insurance Fund has ceased to exist, and that it has been incorporated with the general revenues of the Empire for general purposes, has taken the public quite by surprise, as it involves the breach of the sacred and solemn pledge volunteered by government last year. Sir John Strachey, however, maintains that no pledge was given of a nature to prevent the Government of India from diverting the Famine-Insurance Fund to other purposes if need be, and he quotes a paragraph from his speech of the 9th February 1878 in support of his contention. But it may be remarked by way of observation that Sir John Strachey in his own person or office is not the Government of India, and that any statement in his speech, which conflicts with the assurances made by the Head of the Government before and after the statement in question, can never be accepted as indicative of the intentions and wishes of the Government of India. For in a

minute written on the 12th of March 1878 Lord Lytton wrote ;—" The sole justification of the increased taxation which has just been imposed upon the people of India for the purpose of insuring this empire against the worst calamities of future famine, so far as such an insurance can now be practically provided, is the pledge we have given that a sum not less than a million and a half sterling, which exceeds the amount of the additional contributions obtained from the people for this purpose, shall be annually applied to it. The revenue raised by the new taxes is required, *not for general purposes*, but *for the construction of a particular class of public works* ; and the Government *has pledged itself not to spend one rupee of the special resources thus created upon works of a different character*." This same minute then states that the pledges which the Finance Minister was authorized to vouchsafe on these points, were explicit and emphatic ; and that the mistrust of their sincerity had arisen from the impossibility of explaining in detail the precise character of the guarantees the government bound itself to provide for the faithful redemption of the pledge. His Lordship then goes on to say that, as it was impossible to explain the precise details of the guarantee which the government bound itself to provide, "it is all the more binding on the honour of the government to redeem to the uttermost, without evasion or delay, those pledges for the redemption of which the people of India have, and can have no other guarantee than the good faith of their rulers." And then His Lorpship quotes the very passage from his speech which we have already quoted above. In addition to this we have another unequivocal and explicit reassurance on the same subject and from the same source In his reply to the now famous memorial presented to His Lordship by the British Indian Association on the 8th of March last,—that is only five days previous to the issuing

of the last Budget Resolution,—Lord Lytton said:—"You say in your address that the present financial condition of India is critical; that a terrible famine has recently been ravaging the country; and yet that at this time the Government has deemed it its duty to impose additional taxation to the extent of about a million and a half. Gentlemen, you have overestimated the amount of the additional taxation which the Government of India has deemed it its duty to impose. This, however, is not a matter of much importance but it is to me at least a matter for much surprise and regret, to find that in commenting with disapproval on the action taken by the Government of India in what you justly term "a time of national tribulation," you have entirely failed to recognise the fact that *the sole purpose of the additional taxation you complain of was the preservation of the lives of the people of India from the effects of famine.* Whether the particular measures adopted for that purpose were or were not judiciously devised is a question fairly open to unprejudiced discussion. *But the motive and purpose of those measures are certainly not open to doubt.* Whatever may be the faults or shortcomings of this Government, its action in the matter to which your address makes reference was disctated by the sincerest and most anxious desire to give to the people of India the greatest protection which could practically be provided for them against the calamities of future famines. To insinuate the contrary is to insinute a calumny." It will be thus seen that the position which Sir John Strachey endeavours to maintain is quite untenable, and that no special pleading can save him from being called to account for having slighted the value and binding force of the most explicit, solemn and sacred pledges given to the people of India. But we have not done yet; for the sequel will show that even if the statement contained in Sir John Strachey's speech of the 9th February 1878 be taken to indicate authorita-

tively the intentions and wishes of Government, that statement itself does not justify the Government in incorporating the Famine-Insurance Fund with the general revenues of the Empire.

Sir John Strachey spoke as follows on the 9th February 1878:—"Suppose, for instance, that the produce of the new taxes were, by law, strictly set apart from the general revenues, and paid into a separate fund only to be applied to specified purposes; if then any sudden change of circumstances arose, calling for seriously increased expenditure, or causing a considerable falling off in the revenue, we should have to choose between the imposition of fresh taxes and the abrogation of the law constituting the fund; for I set aside the idea of meeting ordinary charges by borrowing, as a course financially inadmissible. This dilemma might arise, though the pressure was likely to be only temporary; nor can any one say that such a contingency would be at all improbable, or that it might not occur at any moment. With all my desire to see the pledges maintained that we have given, as to the application of a sum not less than £ 1,500,000 as an insurance against famine, I think it would be irrational, under many circumstances that I can conceive, *to object to the temporary diversion of any necessary part of the revenue from this purpose* with the view of obtaining relief, which might be no less urgently required than that which experience has taught us to be requisite in meeting famine." The Italics are our own. Now even if we accept Sir John Strachey as an authoritative and trustworthy exponent of the intentions and wishes of Government, the foregoing extract amply shows in a conclusive manner that the *permanent* diversion of any part of the revenue, much less of the whole of it, was never contemplated by Government as a possibility. And yet we are told in the last Budget Resolution that "the insurance provided against future famine has virtually ceased to exist; and the difficulties in the way of fiscal and commercial

and administrative reform have been greatly aggravated," because "the fresh fall in the value of silver in relation to gold has virtually swept away the financial improvements arrived at with so much difficulty." In short we are led to conclude that it is the unfavourable state of the exchange and the consequent loss on that account which has absorbed the Famine Insurance Fund. With all deference due to the high authority of Sir John Strachey, we respectfully submit that this statement of fact, and the reason assigned for the mysterious disappearance of the Famine-Insurance Fund are both far from accurate. For if we refer to the tabular statements appended to the last Budget Resolution, it will be seen that, while the estimated loss under this head for 1878-79 was £ 3,000,000, the actual loss amounted to £ 3,400,000, that is, greater by £ 400,000 only. To say that this additional loss of £400,000 only "virtually swept away the financial improvements arrived at with so much difficulty," appears to us to be presuming too much upon the credulity of the public. The question then arises, what is it that has swept away the financial improvements? This drain is nothing more or less than the expenses of the Afghan War, and the gap caused by the partial repeal of the import duties for the purpose of catching the Lancashire vote. And we are confirmed in this belief by the announcement which Lord Cranbrook made in the House of Lords in December last to the effect, that the finances of India were in a sufficiently prosperous condition to pay the expenses of the Afghan War, so much so in fact that there would remain a surplus of half a million sterling after defraying the expenses of the Afgan War,—a too sanguine forecast which indeed is directly responsible for the success of the agitation which the selfish Cotton Lords of Lancashire were encouraged to make to get a larger portion of the import duties abolished.

Having thus far set forth clearly that the government of Lord Lytton has committed a breach of faith

in incorporating the Famine-Insurance Fund with the general revenues of the empire, we shall next proceed to see what the consequences of the unfortunate step taken by the Government of India have been. These consequences, we may be permitted to premise at the outset, are twofold in their nature, viz., material and moral. As regards the material consequences, resulting from the divergence of the Famine-Insurance Fund, we may safely assert that if the Government of Lord Lytton had not peremptorily instructed the Local Government of Bombay to violently stop all public works in the teeth of the unequivocal and explicit language used by His Lordship a year ago to the effect that "we are conscious of the reproach we should justly incur if, after such a declaration as I have now made, *the prosecution of these necessary works were commenced, suspended, or relinquished, according to the increased or relaxed pressure of annual circumstances, or the intermittent activity of spasmodic effort*," and that too at a time when they were required to provide employment to those who had no other honest and honourable means for earning their livelihood and keep their body and soul together, we feel confident that unfortunate dacoities and disturbances would never have occured, or at least would have been long ago subdued. These outrages were committed by bands who were first seduced by the "rebellion of the belly," and nothing more or less than that. We are aware that a good deal of mischievous nonsense has been written on the subject, and that these disturbances have been attributed by *irresponsible* writers in the Anglo-Indian press to some political conspiracy having for its object the overthrow of the British Indian Empire. Had it not been for the fact that such mischievous nonsense has been published in one or two influential Anglo-Indian news-papers, and has been dinned into the ears of the *responsible* authorities over and over again, we would never have noticed it in these pages, but simply treated it with the

contempt it deserves. Our only answer to those *irresponsible* writers in the Anglo-Indian press, who persist in circulating such mischievous nonsense, is "produce your evidence and data before you breathe a single syllable against the loyalty of Her Majesty's Indian subjects in any part of this vast Empire,—a loyalty which has been before long tested in a variety of ways, and which stood the test so remarkably that it has been repeatedly acknowledged by the *responsible* authorities both in India and England." It is neither just nor reasonable to disregard and pooh-pooh the real motives and causes of the disturbed condition of the Deccan districts, and go in quest of hidden and occult motives and causes, which exist nowhere but in the diseased imagination of the aforesaid *irresponsible* writers in the Anglo-Indian press. We are so confident of this that, if a Commission of Inquirry be appointed to inquire into the origin and causes of these recent disturbances,—and we have no doubt that when the proper time for the appointment of such a Commission of Inquiry comes round, Government will lose no time in appointing it,—the inquiries of this Commission will surely throw a good deal of light upon what appears mysterious at present, and will farther show conclusively and authoritatively that these recent disturbances were chiefly due to the desperation caused by a succession of famines and the stoppage of works and the temptation afforded to men without honest work to live upon the defenceless country by dishonest rapine.

So much for the material consequences of the broken pledge. As for the moral consequences, they are a still greater disaster than the former. It is simply accidental that the absorption of the Famine fund has been attended in this instance with serious material consequences, which would not have been the case, if the crops in theDeccan districts had not been destroyed by excessive rain-fall and the locusts and the rat-pestilence. But though under different circumstances the

material consequences would have been averted, the moral consequences would have remained all the same. In connection with this we are reminded of the observation by Rao Raja Sir Dinkar Rao to Dr. Routledge and of the reply given by General Sir John Malcolm to the reference from Mr. Commissioner Elphinstone, which we have alluded to above at the outset of the present paper. Whatever success has attended the establishment of British supremacy in this vast country, it is mainly owing to its reputation for justice and for the inviolable sanctity of the pledges, written and oral alike, which the British rulers of India have most religiously maintained for a long series of years. That such is the case, has been repeatedly acknowledged by the highest responsible authorities both in India and England. Irresponsible writers in the Anglo-Indian press may tell us that this country was conquered mainly and solely by the invincible strength of British bayonets, and that the prestige for justice and good faith was simply an adventitious circumstance of at the best secondary importance. The frequent utterances of responsible authorities, however, must silence this spirit of absurd bravado; and we would commend to our readers' careful notice the following weighty observations of Sir Alexander Arbuthnot from the minute recorded by him on the subject of the repeal of the import duties. Sir Alexander Arbuthnot says:—"This last-mentioned measure (the Vernacular Press Act) was one of which I was personally in charge, and which, in concurrence with the Governor-General and with my colleagues in Council, I deemed to be called for by important political considerations, but important as those considerations in my judgment were and important as I still regard them, I do not hesitate to say that nothing would have induced me to have been a party to the imposition of restrictions on the press, if I could have foreseen that, within a year of the passing of the Vernacular Press Act, the Government of India would be embarked on a course,

which, in my opinion, is as unwise and ill-timed as it is *destructive of the reputation for justice, upon which the prestige and political supremacy of the British Government in India so greatly depend. And here I must remark that the slight value which in some influential quarters is now attached to the popularity of our rule with our native subjects has for some time past struck me as a source of grave political danger. The British Empire in India was not established by a policy of ignoring popular sentiment, and of stigmatizing all views and opinions which are opposed to certain favourite theories as the views and opinions of foolish people. Nor will our rule be long maintained if such a policy be persisted in.*"

It will appear from the able minute of Sir Alexander Arbuthnot and from the no less able minutes of the three other members of the Viceregal Executive Council, who voted along with him against the repeal of the duties in question, that a part of the Famine-Insurance Fund has been diverted for the purpose of gratifying the cotton manufacturers of Lancashire and securing their vote to the political party, which now sways the destinies of the British Empire, at the ensuing general elections. The strong language of Sir Alexander Arbuthnot at least would leave no doubt whatever on this head. Nay, the language used by Sir Sir John Strachey himself two years ago confirms us in the belief. During the course of his lengthy speech in the Viceregal Legislative Council on the 15th March 1877 while presenting the Financial Statement for the year 1877-78 to the Legislative Council Sir John Strachey said :—" I believe that our countrymen at home have a very real and serious grievance, and that it is no imaginary injury against which they complain. I know that your Excellency has resolved that the government of India shall not shirk this business, and there need be no fear that it will be regarded in any half-hearted spirit. Your Excellency took the earliest

opportunity which could be found, when you assumed the office of Viceroy, to declare publicly your views upon this subject, and if I say no more regarding it now, it is mainly because I feel sure that your Excellency will not lose the present opportunity of publicly declaring those views again. *For myself personally if I had not confidently expected to take part in this great reform (the repeal of the import duties), I doubt whether anything would have induced me to accept my present post, and I trust that I may still have a share in the performance of a task which I look upon as one of the most important which this government has before it.*" This language is sufficiently explicit and leaves no doubt that, as Lord Lytton is supposed to have come out to India with an Afgan policy in his pocket cut out and dried for him by his chief, so Sir John Strachey according to his own admission came out to India to carry out the "necessary fiscal reform;" and so between them two they managed to so improve the financial condition of India as to enable them to execute the behests of their employers. That "the financial improvement arrived at with so much difficulty" last year was brought about not so much for providing the Famine Insurance Fund, as to enable both Lord Lytton and Sir John Strachey to execute the two commissions entrusted to them respectively by their employers, is evident from the fact that both of them are now straining their every nerve to reduce the unwieldly expenditure of the Government of India and to thus provide the requisite surplus for the Famine-Insurance Fund. A more emphatic condemnation of the statement made by Sir John Strachey only a year ago to the effect that "In this branch of the public outlay it is, *I am satisfied, visionary to think of obtaining any important reduction*," and that "it is true that irresponsible persons find it easy to declaim as to the possibility of enforcing large economies, but *I fearlessly challenge any one having a sufficient knowledge of the real re-*

quirements of the administration to indicate any branch of the Civil Services of which it would be not far easier to give substantial proofs that more money is required for it than the converse," can not be conceived. May we inquire if the retrenchment policy which is found feasible in 1879, could not have been found equally feasible in 1878 as well? The truth is that it would have been found equally feasible then as now, but that it was not calculated to serve the purpose both Lord Lytton and Sir John Strachey had in view. This state of things is detrimental alike to the interests of the rulers and the ruled, and if not set right at the earliest opportunity, will ere long lead to serious complications. "Nor will our rule be long maintained, if such a policy be persisted in." Thus writes Sir Alexander Arbuthnot, and let us hope that the warning thus sounded by so experienced and observant a statesman, as Sir Alexander, will not be thrown away upon the British public, the final arbiters of the destinies of British India, but that it will induce them to give to the financial and political condition of their Indian Empire the most serious consideration which it demands. The reputation of the noble British public for justice, fair play and respect for the sentiments of others, is a matter of history, and we are sure when the conscience of the British nation is once roused to a right sense of its duties and responsibilities towards the millions of India, it will never give its sanction to the arbitrary *role* now being played by their representatives in this country, but will forthwith put it down with a strong hand. Even now signs of the awakening of the national conscience are not wanting, and the people of India earnestly hope that with the accession of the Liberals, to power, a new era of progress would dawn upon this country and, put a stop to the reactionary policy which has worked so much mischief all round.

PROBABILITY OF A FAMINE IN INDIA IN 1880.

We gladly make room for the following communication from our esteemed and learned friend, Rao Bahadur Kero Lakshman Chhatre, Professor of Mathematics in the Deccan College; and as the subject treated of therein is of vital importance both to the rulers and the ruled in this country, we need make no apology for giving it *in extenso*. Before we give the communication itself, we may state that the Rao Bahadur submitted to government his views on the subject in March last, and that the present communication contains the same views with some additional information and data which were not available them. It will be readily admitted that if the exact period of a coming famine can be accurately, or even approximately ascertained, it will prove of immense advantage both to government and the public in meeting that kind of calamity when it actually comes upon us; because as the proverb declares, "to be forwarned is to be forearmed." To provident people and to government this information will prove of incalculable benefit; to the former because it will enable them to adopt precautionary measures against the coming calamity; and to the latter because it will enable them to discharge their duty and responsibilities to the governed in a more satisfactory manner. The obligation of these duties and responsibilities has been repeatedly acknowledged by the highest authorities both in India and in England, as is well-known to every student of Indian history. There is, however, one remark which we feel constrained to make, viz, that the information which the Rao Bahadur has been able to vouchsafe to us will not prove so beneficial to the public as it is desirable, so long as the particular limits of the

region or regions to which a coming famine is calculated to be localized, is not ascertained; but such is not the case with the Government. To them the information that some part or other of their vast empire is likely to be affected by a famine at any given period will be extremely useful. With these preliminary remarks we give below the communication itself.

I beg to forward for your consideration the following paper. If you think it worth publishing, you will be kind enough to give it a place in your valuable magagine.

We have had lately a year of famine and a year of plentiful of rain; can we say that we are now free from the recurrence of a famine? I am afraid we are not; I fear, we shall have scanty rains next year which may lead to famine. My reasons for this statement are as follows:—

In 1822 nearly 112 inches of rain fell in Bombay; next year the rain-fall was 62 inches and the year next to that it was only 54 inches. In 1828 the rain-fall was 122 inches; next year it was only 66 inches. In 1849 nearly 119 inches of rain fell, and the next year the rain-fall was only 51 inches. In 1869 the rain-fall was 115 inches; next year it came down to 81 inches and the year next to that it came down to 47 inches. The same facts are observed in the Ratnagiri registers. Therefore so far as the Konkan districts are concerned, we are justified in expecting scanty rains a year or two after every heavy rain-fall. Last year 122 inches of rain fell in Bombay and 165 inches in Ratnagiri. We should therefore expect a very scanty fail of rain the next year in the Konkan districts.

Again, I find that the solar activity, as indicated by the number of spots visible on his body, has a great influence on the fall of rain on the table land of the Deccan. On the top of the Ghauts the influence is very striking.

I enclose herewith tables showing the registers of the fall of rain at Mahableshwar, Igatpuri, Madras, Nagpore, Jabbalpore, Banglore and Deesa. These places are sufficiently distantfrom one another to show the general character of the rain-fall in the Deccan districts.

I have also added two plates showing the curves of the rain-fall at these places. In plate No. 1 is shown the curve of rain-fall at Mahableshwar, a place situated on the top of the Ghauts about 4,000 ft. above the level of the sea. Another curve showing the fall of rain at Igatpuri is also given in this plate. Igatpuri is situated on the top of the Ghauts about 2,000 ft. above the sea-level. The curve at the bottom of the plate is that of Wolf's solar-spots, drawn four years in advance to show to advantage the correspondence between it and the rain-curves.

Plate No. 2 shows the rain-curves for other places which are situated further into the interior on the plateau of the Deccan.

The following remarkable movements may be observed with regard to these rain-curves.

The solar-spot activity was at its maximum in 1830. Just four years afterwards the fall of rain at Mahableshwar was also at its maximum. In 1833-34 the sun-spots were at their minimum; four years afterwards *i.e.* in 1838, the rain-fall was also at its minimum. Subsequently in 1837, 1848, 1860, and in 1870 the sun-spot activity was again at its maximum, and in each case just four years afterwards we find a very copious fall of rain at Mahableshwar. And when in 1843, 1856 and 1867, the solar-spot activity was at its minimum, here also in every case, about four years afterwards, there was a minimum fall of rain at Mahableshwar.

Similar behaviour is shown also by the rain-curve of Igatpuri.

Rain-falls shown in Plate No. 2, also indicate the same movements, only in a modified form.

Thus these plates pretty fully establish the influence of the solar-spots on the rain-fall of the Deccan, and in every case after an interval of about four years.

The solar-spot influence owing to certain causes is not so well marked in the rain-fall on the Western coast of India, nor in the districts near Calcutta.

The following table may be consulted with advantage. It will show, that there are two series of famines to which India is subject, the one comes 4 or 5 years after each solar-spot minimum, and the other about 10 years after the same solar-spot minimum.

Year of minimum Sun-spots.	Year of Famine.	Interval.	Parts of the country affected.	Remarks.
A. D.	A. D.	Years.		
1755	1759	4	.....	Not ascertained.
1766	1770	4	Bengal.	
1775	1779	4	.....	Not ascertained.
	1783	8	Bengal, Behar &c.	
1784	1787-90	3-6	Bengal and Behar and Kutch to Sawatwari.	
	1795	11	.....	Not ascertained.
1798	1803	4	N. W. Provinces Guzarath and S. Konkan.	
	1808	10	A wide-spread famine.	
1809-10	1813	4	Famine in Guzarath Kutch and Katewar.	
	1819	10	N. W. Privinces, and other parts of India.	

Year of minimum Sun-spots.	Year of Famine.	Interval.	Parts of the country affected.	Remarks.
A. D.	A. D.	Years.		
1822–23	1826–27	4	Guzerath, Khandesh and Konkan.	
	1832–33	10	Deccan and lower Madras, Kutch, Kattiwar and Guzerath.	
1833	1837–38	4	Lower Dooab and N. W. Provinces, Guzerath,	
1843	1847–49	4	Kattiwar and Tanna. Scarcity of Rain in many places in India.	
	1853–54	10	Parts of the Madras Presidency.	
1856	1860–61	4	Upper Dooab and adjoining parts of N. W. Provinces and Bengal.	
	1865–66	10	Orisa, N. India and Rajputana.	
1867	1872	5	Khandesh.	
	1867–76	10	Bombay and Madras Presidencies.	

Wolf's numbers of the sun-spot frequency are on the decrease since 1870. (See table No. 1). The Wolf's number for 1875 is 19. 0. The number for the year 1876 is not accessible; but the past behaviour of the curve leads to the conclusion that it must be the minimum. We should therefore expect a scanty rain-fall in 1880, which may lead to a famine.

The famine of 1876-77, like that of 1865-66, was a 10 year famine, proceeding from the sun-spot minimum in 1867. Another scarcity of rain should follow in 1880 four years after the minimum sun-spot activity in 1876.

Thus the probability of a famine in 1880 is founded upon the expectancy of a deficiency of rain based on the three following considerations.

1. There was heavy fall of rain everywhere in India in 1878, and therefore we should expect a very low fall in 1880.
2. There will in all probability be scanty fall of rain in 1880, following four years after the sun-spot minimum which, at this time must, have happened in 1876.
3. The previous experience of Famine years in India, also indicates a famine about 1880, i. e. about 4 years after sun-spot minimum.

I consider, therefore, that it is our duty to inform both the Public and Government of the above-mentioned facts, so that adequate steps may be taken to guard against the possible evils of an expected famine.

Register of Rain-fall.

	Sun-spots,		Fall of rain.								
	Year.	Wolf's Nos.	Year.	Mahabaleshwar.	Igatpuri.	Jubbalpore.	Nagpore	Mysore.	Bangalore.	Madras.	Deesa.
				Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.
Min ... Sol-spots...	1826	29.4	1830	232.93	...	...	32.80	...	...	32.43	...
Min ... Rain-fall ...	27	39.9	31	185.32	...	...	65.31	...	...	44.35	...
	28	52.5	32	226.87	...	...	36.71	...	...	18.45	...
	29	53.5	33	203.74	...	...	...	...	...	37.11	...
Max ... Sol-spots...	30	59.1	34	297.41	...	...	...	...	...	59.00	...
Max ... Rain-fall ...	1831	38.8	1835	226.71	...	...	...	...	...	41.47	...
	32	22.5	36	243.56	...	...	...	...	...	44.76	...
Min ... Sol-spots...	33	7.5	37	267.76	...	...	...	22.70	44.30	49.26	...
Min ... Rain-fall ...	34	11.4	38	180.27	...	...	...	20.20	8.00	52.33	...
	35	45.5	39	233.23	...	...	...	...	32.40	53.07	...
	1836	96.7	1840	284.43	...	...	...	...	30.20	58.65	...
Max ... Sol-spots...	37	111.0	41	281.04	...	...	...	33.10	38.00	58.32	...
Max ... Rain-fall ...	38	82.6	42	304.90	...	...	...	23.80	31.20	36.48	...
	39	68.5	43	285.67	...	...	...	22.60	37.20	50.28	...
	40	51.8	44	262.32	...	...	...	34.60	34.40	65.36	...
	1841	29.7	1845	259.93	...	44.92	...	34.10	32.70	37.65	...
	42	19.5	46	288.34	...	58.55	...	27.20	40.00	79.81	...
Min ... Sol-spots...	43	8.6	47	218.83	...	44.96	...	25.40	37.50	80.99	...
Min ... Rain-fall ...	44	13.0	48	245.07	...	35.12	...	26.90	10.30	54.76	...
	45	33.0	49	227.16	...	46.92	...	25.40	27.80	39.80	...

	Sun-spots.		Fall of rain.								
	Year.	Wolf's Nos.	Year.	Mahabaleshwar.	Igatpuri.	Jubbalpore.	Nagpore	Mysore.	Bangalore.	Madras.	Deesa.
				Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.
	1846	47.0	1850	214.88	...	44.59	...	36.70	49.40	36.88	...
	47	79.4	51	257.07	...	38.54	...	22.60	35.30	64.52	...
Max ... Sol-spots...	48	190.4	52	364.03	...	76.05	...	52.80	55.10	72.69	...
Max ... Rain-fall...	49	95.6	53	314.07	...	59.80	...	37.80	34.70	35.82	...
	50	64.5	54	252.60	...	52.79	...	20.50	29.90	43.20	...
	1851	61.0	1855	240.88	59.83	57.97	26.10	33.90	27.10	32.32	...
	52	52.2	56	253.60	74.89	43.96	46.36	26.80	48.30	46.99	26.48
	53	37.7	57	252.64	80.00	51.08	36.23	30.30	30.40	52.95	29.17
	54	19.2	58	267.43	68.39	39.02	35.19	30.20	37.80	48.50	25.80
Min ... Sol-spots...	55	6.9	59	212.30	61.64	49.01	34.40	27.80	26.60	55.14	20.59
Min ... Rain-fall...	1856	4.2	1860	248.48	66.03	48.35	45.11	30.70	33.20	27.64	...
	57	21.6	61	316.78	...	45.03	45.89	30.20	30.31	37.19	19.81
	58	50.9	62	243.85	112.75	99.10	35.82	33.90	31.30	38.18	38.94
Max ... Sol-spots...	59	96.4	63	281.33	163.28	59.45	39.69	30.40	35.80	54.61	35.40
Max ... Rain-fall...	60	98.6	64	261.05	105.18	45.43	34.66	32.20	33.60	47.23	28.23
	1861	77.1	1865	265.88	136.48	60.42	44.56	30.60	36.00	41.64	22.84
	62	59.4	66	279.97	114.72	53.11	43.70	35.40	33.80	51.38	15.93
	63	45.7	67	215.43	110.61	73.10	57.70	28.30	63.99	24.37	20.22
	64	7.1	68	235.61	103.09	28.80	25.18	29.22	32.46	41.43	18.41
	65	32.5	69	175.85	104.29	62.77	30.38	30.37	40.41	32.30	33.38
	1866	17.5	1870	260.39	93.30	77.78	41.63	35.63	29.44	74.10	27.35

Min ...	Sol-spots...	67	7.3	71	202.91	85.68	59.22	46.75	27.08	29.10	56.35	24.71
	Rain-fall...	68	37.3	72	268.26	97.70	67.19	40.94	26.28	40.75	73.67	24.42
		69	73.9	73	271.08	90.58	46.11	30.63	21.42	29.13	51.83	17.12
Max ...	Sol-spots...	70	139.1	74	308.40	112.89	86.93	40.88	29.09	56.54	62.90	27.01
	Rain-fall...	1871	111.2	1875	304.72	148.18	51.63	54.86	20.22	22.06	37.12	...
		72	101.7	76	243.18	114.57	56.63	37.42	22.02	17.34	21.60	...
		73	66.3	77	167.63	66.34	...	...	...	...	66.28	...
		74	44.6	78	253.52	...	...	...	...	...	28.65	...
Min ...	Sol-spots...	75	19.0	79	uptoNov.15	...	...	...	...	...	...	...
	Rain-fall...	1876	...	80	...	...	...	...	...	...	...	...

N. B.—Wolf's numbers of Solar-spots, were copied from a table given in the *Anglo-Indian Express* Newspaper July 10 1877, Page II.

Rain fall at Mahabaleswar. Copy of the Register kept at the Convalescent Hospital at that place, supplied by Dr. Kielhorn, Acting Principal Deccan College.

Do. at Igatpuri. Supplied by a friend in the Public Works Department.

Do. at Jubbalpore, Nagpore, Mysore, Banglore. Copied from a table given in the *Anglo-Indian Express* Newspaper July, 10 1877, page 11.

Do. at Madras. Copied from a table given in the Madras Calendar for 1879.

Do. at Deesa. Copied from a table given in "Meteorology of the Bombay Presidency" by Mr. C. Chamber, Superintendent Coolaba Observatory Bombay.

CURRENT LITERATURE.

"An Historical and Archæological sketch of the Territory of Goa with a short statistical account of Goa" by Jose Nicolan Da Fonseca, is a very useful and interesting sketch of the past history and present condition of the Portuguese conquests on the Western Coast of India. In the words of Dr. Russel "the history of the Portuguese in India would point the moral and adorn the tale of a philosophical historian who should write of the decline and fall of empires." Mr. Fonseca has not attempted to trace the causes which have sapped the foundation of the mighty state built by Don Almeida and by Don Alphonso Albuquerque. He has contented himself with a sketch of the ruins which show how the work of statesmen and soldiers was destroyed by pride and bigotry. The Goa territory at present is 60 miles long and 30 miles broad, with an area of about 11,000 sqare miles, and a population of about 3,92,234 souls, of whom nearly two thirds are Christians, and the rest are chiefly Hindoos. The total revenue of the state is 11¼ lacs, and the expenditure is about 11 lacs. The number of villages is 394, and of houses is 43,000. The number of Europeans of both sexes is within 2000. The wealth of cattle in Goa consists chiefly of its pigs, which number 87,000, and of the oxen which number more than a lac of heads. The country is chiefly agricultural, and the chief crop grown is rice. The area under cultivation numbers 2½ lacs of acres, of which 1¼ lac are taken up with rice cultivation, and about ⅓ of a lac are taken up with cocoanut plantations. The rice grown is stated to be 4½ lacs of Khandies. The imports amount to 12 lacs, and the exports to 9 lacs, while the customs revenue slightly exceeds 3 lacs. The military expenditure including the police costs 5 lacs. The present establishment consists of 313 soldiers including officers,

and 970 police. The expenditure on education is about Rs. 33,000. The number of primary schools is 137, attended by 6,000 scholars, and 29 higher schools, attended by 2,433 scholars. There were formerly also a medical school, a school of chemistry, a mathematical and professional school, and a seminary for priests in all attended by 337 scholars. There are 4 newspapers in Portuguse, and 2 in Marathi. There are 110 missionaries. The total expenditure on the ecclesiastical establishment is about half a lac. The Christian population is about 2½ lacs, all Roman Catholics by faith. The country is divided into 93 parishes, with as many churches. Each parish is superintended by a Justice of the Peace, whose office is honourary. He arbitrates between litigants in civil suits, holds preliminary inquiry in criminal matters, and decides petty suits not exceeding Rs. 6 in value. Several parishes make a *Julgado*, which is presided over by a Judge ordinary, who is a paid officer, and holds his sittings twice a week for deciding civil and criminal cases. His civil jurisdiction extends to land suits not exceeding Rs. 20 in value, and his criminal jurisdiction extends to offences punishable with three day's imprisonment, and fine up to 7½ Rs. He hears also appeals from the Justices of the Peace. Superior in rank to the Judge ordinary, is an officer called the Judge of the District. He is in charge of all the higher civil and criminal jurisdiction in his district, and goes on circuit, and hears appeals from the Judge ordinary. Appeals from him are allowed in cases where the subject matter is valued at Rs. 100 in the case of land, and Rs. 150 in all other cases. The highest tribunal is the High Court consisting of four Judges. The High Court and District Judges are Europeans, the rest are natives. An appeal lies from the High Court to the Supreme Tribunal in Portugal. The civil administration is carried on by the Governor-General appointed by the King of Portugal. He is invested with the highest military authority, and holds

his office for five years. He cannot impose new taxes, nor abolish old ones He cannot contract loans, nor create or abolish appointments, or reduce or incur expenses not sanctioned by law. He is assisted by a council composed of the Chief Secretary, the Archbishop, the Judges of the High Court, the two highest military officers, the Attorney General, the chief Revenue officer, the health officer and the president of the Goa Municipality. There are three other councils, of which the general council of the province has the charge of the public works, of sanitation matters, of schools, and custom duties. The second council has the charge of the public revenues. The subordinate revenue work is carried on in the parishes by the Parish Council, which has a magistrate called *Regador* who has the charge of the police ; above him is an officer called the administrator of the District. He is assisted by the municipal corporation. The subordinate Revenue Officers are native, while the District or higher authorities are European. Such is Goa of the present day.

Mr. Fonseca has not discussed the two problems which puzzle all students of the history of Goa, to wit, how the mighty power of the Portuguese in India succumbed so soon to adverse destiny, and how it was that during the period of a short century, two thirds of the population of the Goa territory were converted to Christianity. The prosperity of Portuguese India lasted for a century, commencing with 1510, and ending with the rise of the Dutch and the English in the early part of the 17th century. The British rule in India has now lasted for more than a century in many parts of the country, and has shown no signs of decay, and yet the number of Protestant Christians does not exceed half a percent of the population. In the Bombay Presidency, the number of Christians, as recorded by the last census, scarcely exceeds a lac of persons in a population of $1\frac{1}{2}$ crores. This difference in the results achieved requires explanation which the

sketch under review fails to furnish. The explanation which we have to offer on this head, carries a lesson with it which is full of significance. In the first place it appears that the Portuguese conquerors, as soon as they established themselves at Goa, took forcible possession of the temples and religious endowments, removed the idols from the temples, and built chapels and churches on their foundations and handed over the revenues to the Jesuit, Franciscan and Dominican Missionaries. The first chapel dedicated to Nossa Senhora Da. Conceicao, was erected on a Hindu temple in 1533, and was endowed with the pagoda revenues. Similarly in Margaum a church was erected on the ruins of the chief Pagoda dedicated to the idol of Damodar. The Cathedral at Goa was built upon the foundation of a Mahomedan mosque. The College and church of St. Paul was endowed out of the income of the pagodas of the District, which endowments amounted to 400 Rs. a year. The church of the holy Trinity was built upon the ruins of the pagoda dedicated to Shiva. These instances will suffice for the present purpose. Again the Portuguese historians admit that at the time of the second conquest of Goa, the Portuguese Commander put to death every Mahomedan found in the city without distinction of sex, rank, or age. The number thus massacred exceeded several thousands. They also confiscated all landed property which they partitioned among the European settlers, and they broke up the village communities, and drove the ancient vatandars out of the limits of the villages and towns, to live as outcastes in company with Mahars and similar other classes. They moreover encouraged inter-marriages by direct and indirect rewards. The direct rewards took the shape of excluding all who had not embraced Christianity from any share in official employments which were conferred upon the converts without exception. They also prohibited the public celebration of Hindoo religious rites, and put a stop to pilgrimages. Not content with these repressive mea-

sures, the conquerors set up the inquisition to prevent the relapse of the converts into the Pagan faith, and they regularly burnt the so-called heretics and apostates. Between 1600 and 1772, there were no less than 71 *autos da-fé* celebrated in Goa, at which several thousand persons were sentenced to various kinds of punishment, and many hundreds were publicly burnt. The whole force of the state, and all its revenues were placed freely at the service of the great missionary orders, and nothing was spared to insure the success of their work. The Capital endowments of 38 convents amounted to 9 lacs of Rupees and yielded a revenue of 60000 Rs. a year. It is no wonder that with such agencies at work, two thirds of the population were converted to Christianity. At the same time it is now admitted by the Portuguese themselves that they have dearly paid for the religious propagandism which their Government encouraged in the first century of the conquest. The 2½ lacs of its christian convert subjects have brought no accession of strength either to the secular interests of the state or to the faith which they have embraced. The Portuguese authorities at last awoke from their dream, and in 1835 all the religious orders were suppressed, and their endowments confiscated. The mischief, however, had been done and it was too late to repair it. At present free toleration is allowed to all religions, but this measure has failed to bring back to Goa any portion of its former prosperity. The Portuguese conquerors failed because they made the propagation of their faith their chief object, and subordinated all other considerations to it. This is the lesson which students of Portuguese history in India should take to heart. It has a mournful interest, but, as a warning to the other European races, its importance cannot be overrated.

"THE BLACKER PAMPHLET."

After a careful perusal of the "Blacker Pamphlet," we have been led to believe that it has not atracted as much notice as it deserved. The author is no doubt an able man, and has had some opportunity of learning the details of revenue administration in the different Presidencies in India. He has made good use of his opportunities, though at the same time we must state frankly that our experience of these Presidencies will not allow us to say that he is right in all the conclusions and criticisms contained in the Pamphlet. We, however, fully agree with him in the observations quoted below.

"In the matter of assessment, Government has been a judge in its own cause; and from want of knowledge it has been unable to exercise that enlightened self-interest which many a private land-lord exercises. The land has been over-burdened from the commencement." The rents at present are unbearable enough but they "are now much lower than they were thirty and fifty years ago. Comment on this is superfluous. How the ryot managed to survive such assessments is a wonder."

We fully agree with the author in his statement that it is the idea that the Government can raise or alter the rates at any time "that works the evil, and destroys the magic of private property," and that "an equable and fair assessment, rendered permanent, must result" in good, and that as "the wealth of a Government lies in the wealth of its subjects, if the land be overburdened, cultivation is checked, and trade cannot expand. The experience of Bengal administration shows that the loss of land Revenue apprehended from a permanent settlement will be amply repaid by increased receipts under other heads; by the increase of cultivation, the expansion of trade and commerce, the prosperity of the peasantry, and the creation of a wealthy and influential middle-class,

which acts as a buffer between the government and the masses. Then, and not till then, will the government rest free from the nightmare of deficits and the horrors of famine."

A Madras Officer R. Raghunath Rao in his memo on Famine, which he submitted to the Famine Commission in reply to their circular, is of the same opinion. He observes:—"To remedy this evil, (Famine) we must strike at the root. The largest source of Revenue in India has always been, and still unfortunately is, Land. It should be most openly and solemnly declared to be private property, subject only to the payment of a fixed tax to Government. The tax should be declared to consist of a fixed proportion of its net produce, that is a fixed quantity of grain. The market value of this fixed proportion should be collected as the Land Tax." "Such a settlement will make the people lords of the soil, subject of course to the payment to Government of the aforesaid tax, and any increase in the produce effected by the employment of their labor or capital will be their own. This will give a stimulus to industry and enterprize. The savings in good years will be invested in the improvement of the soil, sinking of wells, formation of tanks, raising of bunds across rivers &c. &c. This will in its turn increase production, and secure a saving to the ryot. As years roll on, the savings will become more and more extensive. They will be stored to meet exigencies. The ryot will of course be punctual in the payment of the Government tax. This will enable government to dispense with the large hordes of harpies now entertained, and kept for increasing taxation and exacting collections. Remissions will disappear from the heads of charges in the Imperial accounts. The people will become rich. There will be more money and grain in the country. No ordinary disorders in the seasons or freaks of the weather will create distress, much less a dire Famine." "Even extraordinary bad seasons will

not entail any considerable expense on government; private charity, for which India has been proverbially famous, will undertake the entire responsibility of relieving distress. Even self-interest will prompt landowners to do so. In short the material prosperity of India will be ensured and increased, people will become rich, government richer, and famines will disappear."

Mr. Phillips is perfectly right in saying that "the grievous mistake was made of grasping too much at the commencement. Every spring of enterprize and industry was clogged. The door of prosperity was closed, and there was nothing left but one dead level of struggling mediocrity," or rather as we understand it of struggling poverty. We are only echoing the opinions of many Native statesmen, if not of all, which we think we do, when we declare that the following words of Mr. Phillips deserve to be written in gold. "We would sum up like the orator of old, by saying that the first requisite for Madras (for all India we would say) is a Permanent Settlement, the second requisite, a Permanent Settlement, and the third requisite, a Permanent Settlement."

So far we agree with the "Blacker Pamphlet." However, its author appears to us to have had on many points a confused notion of things. He does not appear to have studied the geography of the Madras Presidency. His knowledge seems to be confined to the district of Bellary. His judgment on the result of the criminal administration of the country is erroneous. As regards public morality, his comparison of Madras with the other Presidencies is certainly incorrect. He appears to regard village governments as a source of evil. He has got a decidedly exaggerated notion of the authority of village heads. He is dead against the Panchayat system and wishes it to be understood that Educated Natives agree with him in holding this view. Our own impressions on these points lead us to form a different estimate. The vil-

lage government has been found to be a most useful institution, working admirably for the good of the people, protecting them from all changes of dynasties and powers, and teaching them to be self-reliant. To enumerate all its advantages would take up too much of the space of this Journal, and we cannot after all hope to add much to the strong conviction of the majority of the thinking people in its utility and advantage. The village government of Madras consists of the Head of the villages, the Putwaree, the village Police, and the village servants, such as, the carpenter, the blacksmith &c. Their privileges and duties have been defined by the statutory Law. They are all liable to be dismissed by the Collector of the District for departmental misdeeds, and they can be also proceeded against under the provision of the Penal Code. There is besides the constabulary Police to watch them, of whose power Mr. Phillips himself speaks thus :—"The Sub-Magistrates are not strong enough to cope single-handed against the strength of the Police. The Police often add accused men whom they wish to "run in," and confessions implicating non-confessing co prisoners are most common. It is very likely that the Sub-Magistrates have common sense to perceive this; but as a body, they have not the moral courage to prevent it. If a Sub Magistrate dares to oppose the Police, the District Superintendents, (who have too often child-like and bland confidence in the infallibility of their Inspectors), at once set to work to smash him." This is all true, but is not the whole truth. For we know that even a Full Power Magistrate of the highest class, provided he be a native, is perfectly helpless against the Police, headed by a European officer. We belive this fact is well known, and is admitted not only by Mr. Phillips, but by all who may have taken any trouble to keep their eyes open. The village head or the Reddy can therefore never be so powerful to do mischief as Mr. Phillips supposes. Regulations 25, 29 of 1802, 2 of 1806, 4, 5, 11, 12 of 1816, 4 of 1821,

3 of 1822, 6 of 1831 of the Madras Code regulate the status of village officers, their powers, privileges, and liabilities. The provisions of these Regulations have become well known to the people, since they are all of them more than 48 years old. As usual there are factions and parties in villages. It is, therefore, almost, if not altogether, impossible, for the Reddies to be so powerful for mischief as Mr. Phillips describes them to be in the Blacker Pamphlet. The eyes of the village people, of the opposite party, of the all-powerful Police, of the officers specially kept up to look after the village officers, viz., Pescars, Deputy Tasildars, the Tasidars, Temporary Ameens annually sent round to detect extra cultivation, of the Assistant Collectors, with their knowledge of the vernaculars, and then of the energetic European Collectors and Magistrates, are all upon the village Reddy and his brother village officers.

There are generally two Reddies to a village. Of these one is the Revenue head of the village, while the other is at the head of Dewanee and Fouzdaree Departments. The duties of the Revenue Head are to collect the Revenue, reside in the village, extend cultivation, help travellers, and furnish information on the spot to officers of government visiting the village.

In the Fouzdaree Department, the duties of the village Head are to communicate to the neighbouring heads and the Police information of offences committed, and to be committed and to apprehend offenders, to punish cases of a trivial nature, such as abusive language, and inconsiderable assaults and affrays, and ordinary thefts of property valued upto one Rupee, with confinement in the Tanna for a time not exceeding 12 hours ; or if the offending parties belong to any of the lower classes of people, such as Balagees and Mahirs, they may be put in the stocks for a time not ex-

ceeding 6 hours. These Heads of villages are also authorised to hold inquests with the aid of a Panchyat and the Police.

The Dewanee Heads, called village moonsiffs are empowered to hear, try, determine, of their own authority and without appeal, such suits as may be preferred to them for sums of money or other porsonal property, the amount or value of which shall not exceed 10 Rs. They are prohibited from receiving or trying any suit for damages on account of personal injuries, or for personal damages of any nature, or from trying any suit in which they or any of their immediate servants are personally interested. The curnam or the Putwary or Koolkarnee is his chief ministerial officer.

The village Moonsiff is also authorized to decide as Arbitrator suits for sums of money or other personal property, the amount or value of which does not exceed one hundred Rupees, provided both the parties interested in such suits agree to have the matters in dispute settled by him. The decisions of the village Moonsiffs are liable to be annulled by the Zillah Judge, if corruption or partiality be proved against them. They are besides liable to criminal prosecution for corruption and oppressive and unwarranted acts or omissions. They have the power of summoning Panchayats within their respective villages for the decision of suits for sums of money or other personal property without limitation as to amount or value, provided both the contending parties agree to the arbitration.

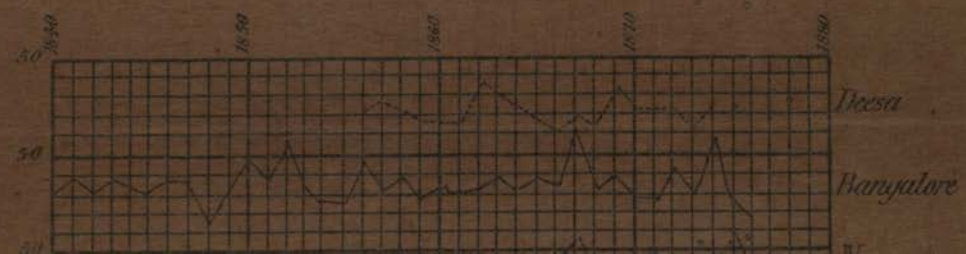
In short, from our experience, we are inclined to believe that these Reddies, can, if they are so disposed, do more good than evil to the administration of the country, and their agency deserves to be preserved and strengthened in the interests of local self-government.

Mr. Chapman of the Bombay Civil Service has utilized his leisure by offering timely suggestions for retrenchment in the cost of the Indian administration. The pamphlet is small in size, but the suggestions are all of a very practicable kind. Those who advocate retrenchment have frequently no adequate or accurate knowledge of the the departmental details, and their random suggestions are thus deprived of all value in the eyes of responsible statesmen. It is chiefly on this account that schemes of economical reform of administration fail to secure a hearing from the government of India. Mr. Chapman's suggestions, however, are free from this defect of vagueness and ignorance. He protests strongly against the abuse of imposing checks upon checks in all the departments, which is the most prominent feature of the British Indian Administration. This system is at once ineffective and costly. The working bees of the hive are lowly paid, while the drones who are supposed to superintend, eat all the honey. After this general protest Mr. Chapman suggests particular retrenchments in the military expenditure by the amalgamation of the three military commands and a new distribution of military stations. He next charges the *personnel* of the government of India and the Secretariat establishments as being costly beyond all possible public needs, especially after the decentralization policy has been adopted for all the minor departments. Mr. Chapman next proposes to do away with the members of Council of the minor Presidencies, or rather to convert them into Secretaries, thus saving the salaries of the Chief Secretaries, whose work can, under the member of Council, be as well done by Assistant Secretaries. He would also abolish the posts of additional members of the Supreme Legislative Council, and the various Commissionerships, which have been the growth of recent years, and lastly he would substitute Native Agency on a larger scale in place of the European importations and thus save two thirds of their salary. We think all

these suggestions are eminently practical, and such as further discussion cannot fail to lead to some issue.

Plate No. 2

Years of Rain fall



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THE

QUARTERLY JOURNAL

OF THE

Poona Sarvajanik Sabha.

Vol. II.] [No. 2.

OCTOBER 1879.

UNDER THE AUTHORITY OF THE MANAGING COMMITTEE.

EDITED BY

S. H. CHIPLONKAR.

POONA:

PUBLISHED AT THE "DNYAN PRAKASH" PRESS.

Price Rs. 1-8-0

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POONA SARVAJANIK SABHA

Established for representing the wants and wishes of the inhabitants of the Deccan, being appointed on a popular elective system under rules framed for the purpose.

NAGARKAR'S WADA, NEAR VISHRAMBAG.

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Members of the Managing Committee.

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Kashinath Purshuram Gadgil Esqr. Pleader.
Shivaram Bapooji Kolhatkar Agent Esqr.
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Ganesh Wasudeo Joshi Esqr. Pleader.
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Nageshwargir Kalliangir boa Gosavi Esqr.
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Sakharam Ramchundra Joshi Esqr.
Dorabjeeshet Bootee Esqr.
Rao Bahadoor Sadashiva Ballal Gowande.
Sitaram Hari Chiplonkar Esqr.
Shivram Hari Sathe Esqr.

Treasurer.

Chintamanrao Vishwanath alias Bhau Saheb Natu Esqr.

Auditors.

Govind Mahadeo Gadre Esqr. Pleader.
Krishnajee Raghoonath Kelkar Esqr.

Honorary Secretaries.

Rao Bahadoor Sadashiva Ballal Gowande.
Sitaram Hari Chiplonkar Esqr.,

Secretary.

Shivaram Hari Sathe Esqr.

PROCEEDINGS OF THE SABHA.

AN ADDRESS OF WELCOME TO HIS EXCELLENCY THE HONOURABLE SIR RICHARD TEMPLE K. S. C. I. GOVERNOR OF BOMBAY.

Pursuant to appointment a deputation of the leading members of the Poona Sarvajanik Sabha waited upon His Excellency the Honourable Sir Richard Temple at the Ganesh Khind Government House on the 11th July last. The deputation consisted of Mr. Sitaram Hari Chiplonkar, Rao Bahadur Shrinivas Shesho, Rao Bahadur Chintamonrao Hari Desmookh, Mr. Chintamonrao Vishwanath alias Bhau Saheb Natu, Mr. Mahadeorao Yeshwant alias Tatia Saheb Raste, Mr. Ganesh Wasudeo Joshi, Mr. Sakharam Ramchandra Joshi, Mr. Gajanan Rao Sadashiva Patwardhan, Mr. Nageshwargir Kalliangir Boa Gosavi, Mr. Ram Shastri Apte, Mr. Vittoba Khandappa Gulwe and Mr. Sivaram Hari Sathe. Mr. Chiplonkar introduced the members of the deputation to His Excellency who shook hads with each member as he was presented. Mr. Chiplonkar then spoke to the following effect.

Your Excellency,

We most humbly beg to approach your Excellency with the address which I now hold in my hand and which on behalf of the Poona Sarvajanik Sabha I have been requested to present to your Excellency. Knowing full well as we do that nothing is more justly flattering and agreeable to a ruler of men than to receive at the hands of those whose destinies the Almighty Providence has committed to his watchful and fostering care an emphatic approval of the general tone of his policy and also of most of the prominent acts of his administration, we have briefly glanced over all the more prominent acts of your Excellency's administration for the past twelve months, and it is a source of unfeigned satisfaction to us that we have been able to assure your Excellency that they have the most cordial approval of those whom we represent. We cannot be too grateful to your Excellency for the skill and tact which your Excellency has throughout displayed, when we remember the dangerous nature of the crises this Presidency has passed through during the course of the last twelve months. To say nothing of the scarcity and agricultural distress prevailing throughout most of the recently famine-stricken districts owing to a variety of causes we had a commercial crisis in Bombay and dacoities of an unprecedented magni-

tude in some of the Deccan Districts, and yet your Excellency, like a skilful pilot, guided the state vessel safely through these dangerous shoals without allowing your equanimity to be in any way disturbed. We have also deemed it our duty and have accordingly availed ourselves of this opportunity to make a few suggestions to your Excellency which we trust will meet with your approval. With these few words I now crave your permission to read the address.

To,

His Excellency the Honourable

SIR RICHARD TEMPLE K. C. S. I.,

Governor of Bombay.

May it please your Excellency,

On behalf of the Managing Committee of the Poona Sarvajanik Sabha we have been deputed to wait on your Excellency, and with your permission to express the grateful pleasure we feel on your welcome return to the capital of the Deccan after a long and protracted tour in the different parts of this Presidency.

1. The last year has been a most disastrous and unhappy year in many parts of this Presidency. Excessive rains and locusts and rats spoiled the crops, and in some parts these ravages brought on a condition bordering on Famine. There was a severe commercial crisis in Bombay and a war on the frontier. Prices of food were everywhere high, employment scanty, and there were many agrarian crimes and law-less depredations by Ramosis and other outlaws. The people of the country, however, always felt this consolation that your Excellency's wakeful beneficent care and energies were presiding over the crisis, and mastering it, as far as human agency can control such untoward events. We were only afraid lest your Excellency's unusual exertions and unsparing exposure of yourself might prove too strong even for your great powers of endurance, and we were all filled with anxiety when we heard a rumour of the accident which happened on the way to Jamkhindee. Our pleasure is proportionately great to see your Excellency in the enjoyment of your usual health and we pray that you may be long spared to us to rule over our destinies.

2. Early in the present year your Excellency went on a tour of inspection to the Gujerath and Kattiawar, and visited almost all the important places in those two Provinces of the Bombay Presidency, thus encouraging by your presence on the spot the local authorities and the Native Princes and Chiefs in the good government of their respective territories. Such personal visits from the responsible head of the Government strengthen the loyalty of the subjects and inspire them with confidence when they see the head of the Government so untiring in his zeal and in the conscientious discharge of his onerous duties. The knowledge that the head of the government may be ex-

pected to pay a visit at any time, and that his experienced eye will never fail to detect a blot in the administration at a glance, if any such be existing, keeps the subordinate officers always on the watch, and fills the administrators of Natives States with honourable emulation to vie with each other in securing the approbation of the head of the government. Unlike most of your predecessors your Excellency did not confine your journeys to those places which are accessible by Railways, but went right through the most inaccessible parts of the country at great personal inconvenience.

3. From Kattiawar your Excellency hastened on in obedience to the call of the Imperial Government towards the Sind frontier, and advocated the Somiani route and visited the mouths of the Bolan Passes. Your Excellency encouraged by your personal presence the local officers to push on their efforts to remove the block regarding the arrangements of the Commissariat and transport service. It has been a source of satisfaction and pride to us that the Afghan War has been brought to a successful and glorious close. This success was partly due to the services of the Kandahar column whose transport arrangements were pushed on by the help of the Bombay officers.

4. From the Sind Frontier your Excellency forthwith proceeded to Carwar and the Southern Maratha Country and passed the hottest part of the season in the hottest part of the Presidency without thinking for a moment of enjoying your well-earned rest by proceeding to the Hills, where the head quarters of the government are generally located at the season. Your Excellency has by this special act of self-sacrifice shown that the calls of duty have a paramount claim on your devotion.

5. It is a source of extreme gratification to the natives of this Presidency that the sanguine expectations which they were led to form from your past antecedents and from your well-known advocacy of high class, scientific, and technical education, have been partly realized by the establishment in March last of a provincial Arts College at Ahmedabad, and by the establishment in Poona and Ahmedabad of the Medical Classes. We hope that ere long your Excellency will find means with the help of popular contributions to redeem your pledge by establishing a provincial Arts College at Dharwar and a Rajakoomar College at Kolhapoor. These institutions are urgently needed to complete the system of liberal instruction in this Presidency. Your Excellency was also enabled with the help of the University to institute an independent Science Degree, with special examinations suited to test the students' mastery of those subjects. These changes in the University system cannot fail to supply what was long felt to be a desideratum in the higher education of this country. So long as such a staunch and loyal advocate of high class and technical education, as your Excellency is known to be, continues at the head of the

government, we feel assured that there is little reason to apprehend that any reactionary steps will be taken calculated to endanger the interests of higher education, which alone is potent to elevate the natives of India to a level with their brethren of the West.

6. Last year the government of your Excellency appointed a Commission of Inquiry to inquire into the causes of the falling off in the attendance of the Arts Colleges, and to suggest remedial measures. The Commission having submitted its report in due time, your Excellency was pleased to issue a Resolution throwing open to the graduates of the University the Revenue service of government, which had, upto the moment of the issuing of that Resolution, been practically closed to the alumni of our University. This much-needed reform introduced by your Excellency's government will, we trust, give a greater incentive to the growth of high class education in this Presidency, and we have no doubt that your Excellency's name will be for ever associated with this reform in the grateful recollections of all the people of this Presidency.

7. Your Excellency has also laid the people of this Presidency under great obligation by having matured a scheme for the establishment of an Agricultural College at Poona and for attaching special agricultural classes to some of the Mofussil High Schools for imparting primary agricultural instruction to such of the students thereof as may be desirous to obtain it. India being emphatically an agricultural country, no subject has greater claims upon the attention of government than the improvement of agriculture, upon which more than three fourths of the people of India are dependent for their livelihood and maintenance. This important subject has already received the attention of your Excellency's government, and it has been a source of great satisfaction to the Sabha to see that steps are already being taken towards giving full effect to the good intentions of your Excellency's government. We trust to see before long that the contemplated measures will become accomplished facts, and thus one of the greatest desiderata to the progress of this country, namely improved and scientific agriculture, will be supplied. In reply to an address from the Municipality of Dharwar in the first year of your administration, your Excellency while adverting to the subject whether this country was suffering from the evils of over-population, was pleased to remark that India was emphatically not overpopulated, and that with improved and scientific agriculture it could easily support twice or thrice its present population. The Sabha is glad to be able to endorse the truth and justice of this farseeing and statesmanlike observation, and we trust that your Excellency will signalize your administration by laying the firm foundation of future improved agriculture. Here the Sabha ventures to suggest that a portion of the Local Funds may be properly diverted towards the establishment of agricultural schools

in the Moffusil villages where primary, but practical, instruction may be imparted to the rising generation of cultivators through the medium of their respective vernaculars. The Sabha trusts that the existing funds of the Educational Department can be with some requisite modifications utilized for the accomplishment of the grand object in view. If the curriculum of the existing village schools be slightly altered so as to make room for agricultural education by dispensing with some of the less important, because less practical, subjects, the Sabha believes that for the present at least a good beginning will have been made.

8. We cannot allow this opportunity to pass away without briefly alluding to the recent dacoities in the Deccan Districts and to the recent conflagrations in Poona by which two noble and stately palaces of historical importance were burnt down. We cannot be too grateful to your Excellency's government for the prompt and active measures adopted for the suppression of the disturbances. By the exertions of the Police and the Military, the tranquility of the country is now being gradually restored, and the dacoit outlaws are being apprehended one after another. We trust that now that the monsoon rains have fallen, thereby giving sufficient employment to the agricultural classes the gangs of dacoits will be dispersed and heard of no more.

9. As regards the fires in the city the Sabha has already, in its second letter on the subject of dacoities dated 20th May last, informed your Excellency that the three prisoners, who have been found guilty on the strength of their own confessions and also by a formal verdict of the jury of the charge laid against them, were first handed over to the civil authorities by the leading members of the Sabha and the native community generally. The whole community were never before so much dismayed and grieved as by the loss of these two historical palaces, which the Agent for Sardars in the Deccan aptly described the other day as the inheritance of the Maharastra. They did their best to extinguish the fires, and worked unceasingly at the pumps, which enabled them to rescue one half of the Vishrambag from destruction. The other palace could not be saved. Private inquiries having suggested the suspicion that the men in charge of the Book Depot, where the fire originated, were actively or passively concerned in the crime, a meeting of the native gentlemen was convened in the rooms of the Poona Arbitration Court at which a preliminary and informal examination of the three prisoners, now deservedly sentenced, was made by Mr. Ganesh Wasudeo Joshi, one of the members of the Sabha and of the deputation, assisted by Rao Bahadoor Mahadeo Govind Ranade and Rao Bahadoor Chintaman Sakharam Chitnis, and other gentlemen also took part in this inquiry. The first suspicion against them having been confirmed by the unsatisfactory and hesitating answers given by them, the three prisoners were duly handed over to the civil authori-

ties for farther investigation which ended in their having got the punishment they deserved. And as the executive authorities are still engaged in prosecuting their inquiries into the motives of the recent incendiary fires, the Sabha does not feel itself justified in offering its opinion on the subject on the present occasion, but confidently trusts that the minute and searching inquiry which is being carried on by competent Police officers will end in throwing additional light on the subject and place it beyond all possibility of a doubt. It is in the highest degree advisable that such a subject should not be left open for discussion by irresponsible writers in the press, as such discussions are calculated to hopelessly widen the breach between the different classes of Her Most Gracious Imperial Majesty's Indian subjects themselves on the one hand, and between them and the governing classes on the other. Sensible as the Sabha is of the evils arising from such a deplorable condition of things,it is prepared to place its orgaization at the service of your Excellency's Government in any manner it might be thought advisable to utilize the same in eliciting the truth regarding the fires.

10. Lastly we beg to express the general sense of satisfaction with the measures adopted by your Excellency for protecting the country from famines by forest conservancy. It will be many years before the evil effects of a policy of indifference which encouraged the absorbtion of waste and forest lands for the sake of a small direct revenue will be obliterated. But now that the evil has been foreseen, it is only a question of time when we shall see the country again protected as of old, and its rain waters stored and utilized as only large forests can assure. Your Excellency was equally considerate in recognizing the distress in parts of the Poona and Sholapoor districts as nearly bordering on famine, and promptly taking steps by means of relief works to help the people to obtain employment and subsistence. Upon a proper case being made out, your Excellency was also pleased to show favour to the Indapoor Taluka by sanctioning the suspension of the Revenue collections.

11. We have thus briefly glanced over all the more prominent acts of the administration of your Excellency during the last eventful year. In the official year that now opens, the rains promise well, the commercial crisis in Bombay has abated, the country is at peace, and even the dacoities have been mostly suppressed, and on the whole the year promises to be one of quiet and tranquility. The subject that will engage your Excellency's chief attention will be the improvement of the condition of the agricultural classes. The Members of the Sabha have framed a project of law for the re-establishment of Panchayat Courts which they have already submitted to Government, and we trust your Excellency will extend your countenance to the measure.

Thankfully expressing our acknowledgments to your Excellency

for the kindness with which you have allowed us to approach you with this address of welcome,—We beg &c.,

His Excellency replied as follows:—

GENTLEMEN,

I have to thank you for your kind expressions of myself. I cannot, however, accept any credit for my travelling because to travel among the people under my charge is to me quite as much a pleasure as it is a duty.

I rejoice to find that you appreciate so well the several educational measures recently adopted by Government.

You can do much to incite the most talented youths among your relatives and friends to study for the Science degrees recently instituted by the University of Bombay.

There is no sort of knowledge more calculated to benefit the peasantry than that which relates to practical and scientific agriculture.

While the new education in the department of Science increases we hope that the old education in the department of Arts will not decrease but will be adequately sustained. It is with this view that we have established an Arts College at Ahmedabad and are prepared to establish additional colleges elsewhere if students shall be forthcoming. For this purpose also we have framed regulations to ensure the reservation of all superior revenue appointments for those who have gone through the course of high education.

I note your approval of the project of establishing at Kolhapur a School and College for the scions of the Mahratta Nobility, in the permanence and prosperity of which class the Government takes so friendly an interest.

We trust that high education will draw the educated classes nearer and nearar towards the British Government by special bonds of community in language and in modes of thought.

With all our popular and secular education, whether of the higher or lower kinds, we must maintain that moral teaching which is common to all civilized race of men and which is inculcated in so many of the most ancient and most revered writings of the Hindoos.

It is to be desired that the extension of the medical schools to which you allude may conduce to a comprehensive system of sanitation which shall prolong the lives, assuage the pains, and invigorate the strength, of the people.

I join with you in hoping that the long protracted distress in the Eastern Deccan may soon cease; but you are probably aware that some elements of danger from scarcity and pest still exist in that quarter. Meanwhile relief is afforded to the sufferers, and is so arranged as to lay the foundation of material improvement in the future.

You justly acknowledge the efforts of the Government by the am-

ployment of armed force to put the earliest stop to gang robbery in the Deccan. This has been accomplished with comparative ease because the agrarian and agricultural classes were not in the slightest degree concerned in these crimes.

You are naturally cognizant of the efforts which the Bombay Government have made to improve the present laws affecting the peasant proprietors of the Deccan. Whether all the suggestions which you and other well-informed persons have offered, be adopted or not, still I hope to see some legislation accomplished that shall prove beneficial.

I observe with satisfaction your judicious remarks regarding the importance of Forest conservancy in the Deccan. Great public benefit can hereby be secured without any infringement of private right. The large pastoral interests of the country so far from being injured will be promoted by the improved growth of vegetation for grazing. A supply of wood and fuel will be raised on many ranges of hills now bare and denuded.

You very properly coincide with us in detestation of the dastardly crime which recently caused the palace of the Peshwas, and the finest surviving monument of Mahratta architecture, to be reduced to ashes in a few hours.

I duly acknowledge the loyal tone which pervades your address. High as my confidence may be in the mass of the inhabitants of the Deccan, I cannot venture to hope that in so large and diversified a country, all persons think what is rightful or feel as they ought to feel in political matters. If there be any who are wrongly minded in these respects I leave them to their own reflections on the existing order of things, trusting as I do that such reflections will lead them to a better state of mind. At the same time you may be assured that we never confound with disaffection or disloyalty, such dissatisfaction as people may reasonably feel with specific measures, with any particular policy, or with defects in administration—for to such dissatisfaction we are always ready to give an impartial and unbiassed consideration. But, be all this as it may, we have a right to confide, and we do sincerely confide, in the loyalty and good will of the vast majority of people generally and of the higher classes especially.

In conclusion Mr. Chiplonkar having on behalf of himself and his colleagues thanked His Excellency for the kind and courteous manner in which he received them the deputation retired.

THE REIGN OF LAW IN THE BOMBAY PRESIDENCY.

"Who shall command the King" said Lord Finch: "Why" said those glorious old Puritans "the law shall command your King."

At a public meeting of the Inhabitants of Bombay, held in 1873 to protest against the passing of the Bombay Salt Bill of that year, Mr. W. G. Pedder, who was then Municipal Commissioner of Bombay, made a telling speech, in which he boasted of the Reign of Law under which British subjects in India had the happiness to live. For a long time, many of us were undoubtedly of the same opinion as Mr. Pedder. And the circumstance of our living under a Reign of Law, and of its disciplinary influence in weaning us from the traditionary hold of personal absolutism, was generally allowed considerable weight in any discussion on the comparative merits of Native and British Rule in India. But we must confess—and we hope we may do so without exposing ourselves to the charge of being a mere *laudator temporis acti*—we must confess, that in these latter days, the signs are numerous and most noteworthy, of a change coming upon the spirit of our administration in this respect. We are afraid, that the old reverence for the Reign of Law is being gradually given the go-by; and that the doctrines of personal Government are coming down in a deluge upon us. In theory, indeed, there is probably no one among our administrators, who will publicly admit this new departure in Indian policy—unless perhaps it be the Hon'ble Mr. L. R. Ashburner, who, whatever his faults, has always been conspicuous for possessing the courage of his opinions. But "our new heraldry" is words not deeds,—or to put it accurately,

words far more than deeds. And in the very act of infringing on the Reign of Law, our rulers will probably profess the most unbounded reverence for it.

We propose, on the present occasion, to inquire, how far, in recent years, the dominion of Law has been trenched upon by executive aggrandizement in this country. It would take us further afield than we can go at present, if we endeavoured, for the purpose intended, to take a survey, however cursory, of every Department of Indian Administration. If, for instance, we discussed the fact, that at this present moment, we are living directly under a Government, which contains no member regularly trained in judicial and legal investigations; and this although such a member was available, and generally expected to get the place in Council recently vacated; or if we discussed the fact, that under the New Warrant of Precedence, Her Majesty's Judges, as a body, have a distinctly lower rank than they had under the previous warrant; we could, we think, produce a very respectable aggregate of testimony from other quarters, corroborating the inference which is derivable from the specific instances now referred to. The various particular matters may be—as some of them, in our own opinion, are—in themselves of but slight consequence. But a considerable number of such particulars, all looking one way, furnish, in our view, a subject for very grave consideration. However, as remarked already, that branch of the topic is not our concern in the present article. We propose here to confine ourselves to one Department,—and that the one above all others, in which a loyal obedience to the Reign of Law, ought, if it exists, to be plainly visible,—we mean the Department of Legislation. We shall examine the legislation of the past few years—so far as it affects our Presidency—and we hope to be able to show, that in recent years, there has been a most perceptible increase of a certain species of legislation, which is not only

incompatible with a real Reign of Law, but makes the Reign of Law in truth a sham and a delusion.

Let us consider first one very prominent characteristic of our legislation during the past ten or twelve years—viz. that nearly every act of any importance passed during this period contains a provision authorizing the Executive Government to make rules, which, when made and duly promulgated, are declared to have the force of law. Now we do not intend for one instant to deny, that *within certain limits*, it is not only proper, but necessary, to vest the Executive Government with such authority. But this is so only within certain limits, and those limits seem to us to be plain enough on general principles. It is manifest, of course, that a law does not enforce itself; that an administrative machinery must be ready to work a law when it comes into operation. Now everything strictly relating to the working of this administrative machinery would seem fairly to fall within the ambit of what we may call the Executive Jurisdiction. And the group of operations so strictly relative to that machinery is a very proper subject for rules to be made by the Executive Government. Beyond the lines thus sketched, however, rules made by the Executive Government appear to us to have no fair field for their operations. It is not, we think, needful to attempt to state the distinction in more accurate and precise language. The principle on which it rests appears to us to be manifestly sound; while there can be but very few cases, we apprehend, where a difficulty might be encountered in practically deciding whether a particular topic falls properly within or without the limits stated. In all such cases, if and when they arise, the inclination, we should say, of a Government which boasts of its allegiance to the Law, ought to be towards narrowing the bounds of the Executive Jurisdiction.

Now these being, as we conceive, the general principles applicable to the branch of the question im-

mediately before us, let us for a moment examine how far they have been observed in the legislation for our Presidency during the past twelve years. Before entering upon such examination, however, it is desirable to state at the outset, that when we complain of the power to make rules given by the Legislature to the Executive Government, we do not by any means rest our complaint upon the ground, that such power has been always, or even often, abused. On the contrary, though there are sundry cases (to be mentioned in the sequel) where there is good reason to object, more or less strongly, to the mode in which that power has been exercised, still we believe *upon the whole*, that it has been used with very fair discretion. This, however, does not get rid of our objection, which is an objection of principle. We say, that the Reign of Law ceases, when any body other than a duly constituted Legislature has power to make rules having the force of law beyond the limits already sketched by us. And the circumstance, that in point of fact such power has not been often abused, is a circumstance in this point of view entirely irrelevant. It may be due to the fact that we have had a succession of beneficent despots; it may be that the Government has been deterred from an abuse of the power by fear of public opinion; it may be that the Government has not been reduced to such straits as to suggest an abuse of the power in question; it may be—but it is useless to multiply these hypotheses. Many more could be suggested, which are by no means unlikely to exist where the Reign of Law does not obtain even in theory. The truth is, that the political equillibrium, so to say, is unstable, where the Reign of Law does not prevail. And that unstable equillibrium does not become a stable equillibrium merely because it happens to remain undisturbed for any given period.

With this preliminary caveat, let us now proceed to particulars. We shall begin with an Act, which fur-

nishes in one respect probably one of the most extraordinary cases of the class we are now considering, though in other respects it is not nearly so objectionable as some others which we shall hereafter specify. We allude to the Act which stands foremost among the Acts of the Supreme Council for the year 1870. It is an Act relating to Quarantine regulations, and may be described with perfect accuracy as surrendering *all* legislative power concerning the matter to which it relates into the hands of the Executive Government. There is literally no provision in the Act save the provisions authorizing the Executive Government to make what Quarantine rules they please. This is undoubtedly an extreme case. But still is it unfair to say, that it brings back and sanctions the system of personal Government in disguise? If we might adopt an expression which Lord Beaconsfield has rendered almost ridiculous, we should be inclined to call this a "scientific" form of personal Government. Surely the Act might have prescribed at least some few provisions directly. As a matter of fact, it happens, that no rules have been framed under the Act in question; and this is, therefore, not a case of misuse by the Executive of powers given it by the Legislature. It is, however, almost a *reductio ad absurdum* of the legislative system under which we live.

We shall take now a somewhat different case. Under Bombay Act 6 of 1869 Section 9, Government are empowered by Rules to regulate the fees for certificates under the Act. As a matter of fact the fees prescribed by the Rules made by Government are, we believe, perfectly reasonable. But according to the principles enunciated above, the amount of fees ought to have been provided for by the Act itself. It may be, in one sense, a matter of detail, but as it lays a direct obligation on the subject, it appears to us to fall properly within the direct jurisdiction of the Legislature itself. We beg to add too, that we fail to see any reason of

convenience, even if such reason is of any weight in a case like the present, in favour of the provision as framed. We confess further, that we think provisions like this afford encouragement to hasty legislation. A Bill is pushed through the Council in a hurry, without considering the subject it refers to in all its bearings. And such a provision as the one now under consideration is introduced to remedy by anticipation any defects that may remain in the Act as passed.

We have now considered two instances in which the true principles applicable to this matter have been violated by our Legislative authorities. Many more instances of this class might easily be adduced— in truth, we shall not be far wrong, if we say, that not a single year has passed since say 1867, in which there have not been enacted several regulations containing such a surrender by the Legislature of its own proper and peculiar functions. And we must say, that the extreme frequency of such provisions in our Statute Book renders us particularly anxious about our boasted Reign of Law. That anxiety, however, is, we need not say, very greatly aggravated, when we observe numerous instances of this class of provisions, under which the Executive Government has made rules to which serious exception may be taken, not merely on principle, but also as practical measures. And first in order of time within the period which we have marked out for ourselves, comes Act 18 of 1870. About that Act, it may be remarked *in limine*, that it is on all fours with the Quarantine Act on the point to which we have already referred at some length. The whole of Act 18 does nothing more than give power to the Governor-General in Council to exempt any goods "at his own sweet will," if we may be pardoned the expression, from the operation of the Act of the Legislature. How has this power been used? The facts are recent, and doubtless still in the vivid recollection of our readers; for "the increasingly irritating controversy," on which Lord Lytton so devoutly wishes to put an extinguish-

er, refuses to be blotted out of existence, even at the august bidding of the representative in this country of Her Imperial Majesty the Empress of India. We allude, as our readers have no doubt already guessed, to the recent partial remission of the Duties on Manchester goods. The whole question, when viewed in the light of this Act No. 18 of 1870, and of the principles we are now discussing, appears to us worthy of serious study by all who have the interests of British Rule in India at heart. For see how it stands. In the first place, we have an Act of the Legislature laying on a duty on certain classes of goods. Next we have an Act empowering the Governor-General in Council—that is to say, the Executive Government, be it remembered—to repeal the previous Act—for that is what it comes to—in whole or in part as he pleases. Next we have the expression "Governor-General *in* Council" construed by virtue of an Act of the Imperial Legislature to mean the Governor-General, not merely *without*, but, if necessary, *against*, his Council. And thus we have come down, to borrow a figure from De Quincey, from the secure heights of the Reign of Law, down the shelving beech of executive rules, into the deep sea of Personal Government! The moral is plain. Adhere strictly to the correct principle, do not permit yourselves to be tempted away by what you consider to be the exigencies of the fleeting moment. Once you cut off the moorings of principle, you know not where you may get benighted and tempest-tossed.

Look at the same matter now from a slightly different point of view. Suppose this objectionable provision had not existed. What would have been the result? For effectuating his purpose, the Viceroy would have been constrained to introduce a suitable Bill into his Legislative Council. There Mr. Rivers Thomson, Mr. Whitley Stokes, and Sir Alexander Arbuthnot would, we may be sure, have opposed the Bill. According to the published minute of Sir Alexander Arbuthnot, we may also fairly assume, that, with one possible ex-

ception, all the other members of the Legislative Council would have voted against the supposed Lytton—*cum*—Strachey Bill. The exception would have been Sir Ashley Eden, who would probably have declared, that His Excellency the Viceroy, having pronounced the Bill to be one required for the good of the empire, he considered it his duty to vote in favour of it. But excepting Sir Ashley Eden, whose ideas of legislative loyalty belong, if we may say so, rather to the days of Queen Elizabeth, than to the glorious freedom of Queen Victoria's régime, and excepting Sir John Strachey and Lord Lytton, who would have been the direct parents of the supposed Bill, all the other members of the Legislative Council would, we may be sure, have voted against the repeal of the duties. And as a consequence, the "increasingly irritating controversy" would have had to be extinguished by other operations —by operations directed to the Manchester rather than the Indian side of that controversy. Furthermore, an expression of public opinion on the subject might have had an opportunity of coming to the ears of our rulers, *before* the remission became an accomplished fact. Not that we think such an expression of opinion would have been of much, or indeed any, consequence under the circumstances of this case. Still there would have been a chance afforded to the people of doing what they always ought to be able to do, if they choose, under the Reign of Law—making themselves heard before the irrevocable step was taken. This chance also was foreclosed by the course which Lord Lytton found himself able to adopt under the wording of the Act in question. Mr. Stokes, indeed, whose known legal acquirements, and present exalted position, combine to give him a strong title to be heard with respect on a question like this,—Mr. Stokes has expressed an opinion, that even as the case stands, the Viceroy's action is in contravention of the spirit of the Act, being, as he most felicitously puts it "what in legal language is called a fraud on the power." But as

Mr. Stokes himself points out, there is no Court of Equity which can relieve against this "fraud;" and unluckily too, there is no mode of bringing the point even indirectly for adjudication before the constituted tribunals of the land. The result, therefore, is that the Viceroy's ukase gives what is practically the law to us all, although the ukase is declared by high authority to be itself contrary to law, and to the opinions of many of the highest officers of Government all over the country, and is unquestionably contrary to the wishes—the strongly and distinctly expressed wishes—of the people whom it affects. And all this, be it noted, simply because the Legislature was pleased by Act 18 of 1870 to perpetrate that breach of true principle to which we have drawn attention.

Although not strictly germane to that branch of the inquiry which we are now pursuing, we may, perhaps, conveniently call attention here to sections 11 and 20 of the recent Sea Customs Act No. 8 of 1878. We allude to that Act here, because the Sections in question, enable the Executive Government, *by notification*, to give the go-by entirely to those "glorious principles of Free Trade," which Lord Lytton considers to be entirely incompatible with the maintenance of a purely Revenue Duty. Under the sections referred to, Government may by notification, destroy the "freedom" of the Indian seaboard, and may prohibit the freedom of trade in any particular descriptions of goods, at its own uncontrolled discretion. We should be glad to learn, whether there are any principles of Free Trade which justify such restrictions while they condemn a duty imposed for purely Revenue purposes; or whether in the particular sphere of inquiry to which this matter belongs, objections made on grounds of Political Economy are merely "*doctrinaire*" objections.

But to return to our immediate topic. The Bombay Municipal Act 3 of 1872 furnishes another instance of the objectionable exercise by the Executive Government of its quasi-legislative powers. Section 6

of that Act provides that the election of members of the Municipal Corporation shall take place under such rules as the Government may from time to time make for the purpose of regulating such elections. Now what do these rules enact? One rule lays it down, that although a particular ward may be entitled to return more than one member to the corporation, each individual elector in the Ward shall only vote for one member. It may be that on principle this ought to be so; it may likewise be that this is in effect a withholding from the electors of the full benefits of the franchise given them by the Legislature. We do not wish to discuss that question here, further than to say, that Mr. J. S. Mill's qualified adhesion to such a rule is a logical consequence of his principle of "the representation of minorities"—a principle, not universally accepted, and at all events not accepted by the Bombay Legislature. Apart, therefore, from Mr. Mill's view, the rule in question curtails the franchise given by the Act. And in any case, this much appears to us to be plain, that the question was eminently one to be disposed of by the Legislature itself, and not merely by an officer of the Executive Government, holding opinions, perchance, of doubtful consistency with the provisions enacted by the Legislature.

Take again the rule requiring the personal presence of the elector at the Polling Booth. We can well divine the considerations which weighed with the framers of that rule. Mr. Mill adduces some very powerful reasons in support of such a regulation,—and some of those reasons are, perhaps, even more weighty in this country than in England. But the case of Native Female electors here is quite a unique one, and it is very doubtful whether the Legislature itself would have carried Mr. Mill's principles to the length they are carried in the rule in question. There is a good deal to be said on both sides of the matter. And as it is not a point

of detail, but one of fundamental moment,—in fact the consequence is one of total disfranchisement in sundry cases,—it is plainly a matter within the peculiar province of the Legislature itself. If the Legislature is worth keeping up at all, if we are not to be governed by what used to be called Proclamations in Queen Elizabeth's time, then it is obvious, that the Bombay Municipal Act has not dealt with the questions we have now referred to in the proper way.

Under the same Act, the Corporation has power to make By-laws concerning certain specified matters. We certainly prefer that such a power should be vested in a body like the Municipal Corporation rather than in the Executive Government. But we refer to that provision here, rather to draw attention to the By-laws which were actually proposed for adoption by the Corporation, as they seem to us to furnish an instructive lesson on the point we are now discussing. We have reason to believe, that the By-laws were framed by one who, under other circumstances, might have had to frame rules under other legislative enactments, and the principles therefore, which guided the framing of those By-laws are principles, which may be fairly expected to influence the framing of similar rules under other statutes,—the rather that the officer in question, though one of the ablest in his branch of the service, was by no means remarkable for holding opinions different from those of his brethren. Well. The proposed By-laws did go some extraordinary lengths. One division of them laid down in effect, that no one should build a house of less than certain stated dimensions, or with rooms of less than a certain statutory length and breadth, or with chunam prepared otherwise than in a certain manner which was prescribed, or with wood seasoned in any other mode than the mode laid down in the By-laws. The Corporation had the good sense to reject most of the objectionable By-laws. But the point we are now making is that they were proposed by an officer of the class already alluded to. And the moral

we draw from this is, that there is a very real danger of the quasi-legislative power referred to being carried to almost absurd consequences, even by exceptionally able and not very illiberal-minded officers of Government.

Take another instance of our main thesis. Under section 10 of Act 8 of 1875, the Governor-General in Council is empowered by rule, among other things, "to prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of salt-petre." Now this is plainly a serious interference with private rights of property. We venture to say, that such interference is a very strong measure to be taken even by a properly constituted legislative assembly, which holds its deliberations in public, has to go through certain well-understood forms before finally passing a measure, and generally by its rules of proceedings is accessible to representations adverse to any project of law *before* such project becomes a *fait accompli*. This, we say, is serious enough. But how much more serious is it, that the power to interfere in such an important matter should be given to an executive body, which deliberates in secret, which has no set forms of proceedings whatever, which makes orders frequently before anybody has even heard of its contemplated movements,—leave alone making any representations against it,—and without anybody trained in judicial investigations having considered in all their bearings the matters to which the orders relate? Similar provisions are to be found in the recent Opium Act No. 1 of 1878. And they are sufficient to indicate, that the principle now prevailing in our legislation is not identical with that which Sir Henry Maine approved of long ago. "We do not meddle with Private Rights," he said in a Minute recorded by him when in India, and published an an Appendix to his famous work on Village Communities. So far from that being correct now, the Legislature, in addition to its own "meddlings," autho-

rises executive "meddlings," if we may say so, with "Private Rights."

Section 269 of Act X. of 1877 (the new Code of Civil Procedure) is, perhaps, one of the most noteworthy instances of the class of enactments we are now considering. After providing generally for the mode in which live stock and other attached property is to be maintained, and kept in due custody, the last clause of that section says: "The Local Government may from time to time make rules for the maintenance and custody while under attachment, of live-stock and other moveable property, and the officer attaching property under the section shall, notwithstanding the provisions of the former part of this section, act in accordance with such rules" &c. We have not ventured to state in our own words the substance of this provision. It seems to us so utterly inconsistent with all sound principle,—and we may also add, so little called for by any mischiefs shown to exist,—that we suspect our readers would have doubted our accuracy, if we had placed before them anything but the *ipsissima verba* of the Legislature. How our sapient law-makers justified to their own minds a provision, by which they allow an inferior jurisdiction to set aside their own deliberate behests in what Mr. Justice West aptly denominates their "legislative and all-controlling capacity," it is impossible for us to comprehend. We can only say, that if such clauses as the one now before us, are going to become more frequent in our Statute Book than they fortunately are at present, we may as well bid adieu to the Reign of Law in India from this instant!

We shall not weary our readers with an examination of other instances of this class of violations of the Reign of Law. We think we have said enough to justify us in laying down the following conclusions.

I. That the power to make rules given to the Executive Government by several of our legislative Acts during the past ten years is

given in cases, in which on sound principles of legislation it ought not to be given.

II. That in sundry cases such power has in practice been exercised in an objectionable way; on some occasions, indeed, in a way not improbably inconsistent with the intentions of the Legislature itself.

III. That in a few Acts, the power to make rules is carried so far as to render legislation a mere farce inasmuch as the Acts literally provide for nothing more than the making of such rules, thereby affording some justification for a remark which has been sometimes made,—that the difference between the Reign of Law under the British Government and the reign of personal discretion under the former Governments is, in principle, nothing, while the only difference that exists is the intercalation, so to say, of an Act of the Legislature.

IV. That in one Act, a principle has been introduced, which is fraught with the possibility of even more mischievous consequences, and which, if generally adopted, may render legislation not merely a "farce," but—it is scarcely too much to say—even "a delusion and a snare."

Before closing this branch of our investigation, there are two points which, we think, are worth notice. First, it may be said, that if everything is to be provided for by legislation directly by the Legislature itself, it will make the work of administration much more cumbrous, and that therefore, such provisions as those we object to are required by the necessities of the case. We think this objection has been already sufficiently answered by the distinction we have taken between the respective provinces of direct legislation and executive rule in this matter. Where the rights of the subject are under consideration, we do not think any

inquiry, however elaborate, can be regarded as cumbrous, while as regards mere ministerial enforcement—the mere administrative details incidental to a statutory enactment,—we have fully admitted the propriety of provisions concerning that topic both practically and on general principles. Take, for instance, section 59 of the Land Acquisition Act 10 of 1870. The power to make rules there given, is given in words which exactly satisfy the principle we have enunciated—"rules consistent with the Act, for the guidance of officers in all matters connected with its enforcement &c." To rules made substantially in pursuance of these words no rational objection can be taken. In the Minute of Sir Henry Maine already referred to, he enumerates sundy "expedients," by which the tendency of legislation "to hamper discretion may be minimised." Sir Henry holds that this "hampering of discretion" is an "inevitable evil." And therefore it is possible that we have misunderstood what he says. But as his words stand, we do not think he assigns to these Executive Rules a larger sphere of operation than we are contending for, when he enumerates as one of the "expedients" referred to "the extension of the wholesale practice of conferring by our Acts on Local Governments or other authorities the power of making rules consistent with the Act." If Sir Henry does claim for these rules a wider sphere, we can only respectfully differ from him, and point to what we have said above in our justification.

A second point to note is this. It may be urged, and urged, we admit, with some force, that Government ought to be trusted by the Legislature and by the people to exercise their power properly. This point*

* We cannot resist the temptation to set out here *in extenso* a passage cited in the very able and elaborate argument of the late Mr. Anstey in the great Wahabee case. It is from the remarks of Mr. Howell on a case which he reports among his "State Trials." "It seems generally to happen" says Mr. Howell, "that persons who either possess or lay claim to power of any kind, are strongly disposed to be of the

was emphasized—and if we are not mistaken, with wearisome reiteration—in the debates on the notorious Bombay Salt Act. The results of that trust are now pretty familiar over the whole length and breadth of this Presidency,—if not of the whole country. But waiving that, we have several other answers to this argument. In the first place, we say, that as soon as you come to speak of confidence in Government on points of

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opinion that they may be safely entrusted with such power. In our own history, to omit the various instances of claims on the part of the crown to exorbitant power, and confine ourselves to a few judicial cases, it is not unreasonable to believe that the privy councillors of old thought they might be safely entrusted with the vast power which they so mischievously and oppressively assumed in the Ancient Court of Requests; that the Council in James I's time thought they might be safely entrusted with the power to summon before them members of the House of Commons, to command them to burn the notes, arguments, and collections which they had made on preparing themselves for a conference with the Lords upon a most momentous constitutional question, and afterwards to imprison and otherwise to punish them, for no other cause but that they had been assigned by the House of Commons to be agents in such conference; that Lord Bacon thought he might safely be entrusted with power by arbitrary injunctions to protect debtors from payment of their just debts; that Archbishop Laud and his co-adjutors thought they might safely be entrusted with the arbitrary power which they so cruelly exercised in the Courts of Star Chamber and High Commission; that Chief Justice Kelyng and other judges, thought they might be safely entrusted with the arbitrary power of fining and imprisoning jurors; that Jefferies, Crew, Cartright, Herbert and Jenner thought they might be safely entrusted with the power, which, as commissioners of ecclesiastical affairs, they employed for the purpose of subverting the Protestant religion; and that Lord Chief Justice Scroggs thought he might be safely entrusted with the power of prohibiting and suppressing such publications as might give him offence." This whole passage may be set off against Sir Henry Maine's view as it may be perhaps interpreted. And it may here be pointed out, that the jealousy which the Imperial Parliament feels in such matters, is clear from this, that the original Judicature Acts in England could not receive the sanction of Parliament because they contained sections giving large powers to the Judges in regulating the proceedings of the Courts, sections which, it is obvious, are far less objectionable than those contained in our Indian enactments.

the nature of those we are concerned with, the Reign of Law ceases. Such confidence may, in itself, be proper or improper,—may be deserved or not deserved. Those matters are here quite irrelevant. When you ask for confidence, you surrender the position, that we live under a Reign of Law. Secondly, we say, the logic of facts is against this argument. For the instances we have specified show conclusively, that confidence in Government, in the sense which is necessary to make the argument relevant here, may be thoroughly misplaced. For, be it remembered, the question here is not about honesty and good faith. Good faith is perfectly compatible with the most stupendous errors in the appreciation of other people's rights and privileges. And, therefore, the confidence required is confidence in the capacity of Government to collect and correctly judge of the material on which individual rights are based. We have no hesitation in saying, that Government does not command our confidence in the sense now stated. In the very famous case, known as the Kabilpur case, our eminent Chief Justice, Sir Michael Westropp, said with the concurrence of his able colleague, Mr. Justice Maxwell Melvill: "In conclusion we must hope, that the facts of this case were not fully known to those members of the Revenue Department on whose advice the assessment on this village of Kalbilpur has been nearly quadrupled. Such an absence of knowledge, however, would indicate a system of investigation so imperfect, perfunctory, and one-sided, as, if not liable to judicial supervision, must endanger the rights of property. *Of that system we regret to say that this case would be no isolated instance.* . . . . . A recurrence of similar cases would go far to shake the belief of Her Majesty's subjects in this country in the permanence of any landed property whatever." The Italics are ours. In the case in which these observations were made, Government had acted, as, we believe, they always do, on the advice of their highest local executive officers,

and quadrupled the land-tax of certain property, which was shown to have been held for two centuries at a fixed rent, by evidence which a very strong Court pronounced to be of "almost marvellous clearness." If injustice may occur in such a case and if such a case of injustice does not stand alone, who shall say that Government is entitled to the unquestioning confidence it seeks?

Another objection may be taken to the view we have expressed. It may be urged that many of the matters, which, we have argued, fall beyond the true scope of executive rules, are matters which often call for speedy action, and that the elaborate and formal proceedings of a debating assembly do not afford a proper machinery for their due determination. We confess, that, after the experience we have had of the mode in which the first Vernacular Press Act was passed in 1877; when we remember that a grave breach of all the old traditions of British Rule in India was then perpetrated without any notice to the public, and perpetrated, too, with a smoothness and unanimity of opinion which could excite no surprise only in the case of a formal and insignificant matter, and with a rapidity of execution which might be envied by the great unconstitutional rulers of the world; when, we repeat, we remember all this, we confess, we can scarcely attach any weight to the objection now under consideration. That objection assumes a state of facts, which, in our opinion, is certainly desirable, but as certainly does not at present exist. In theory, too, we own, we have always a lurking suspicion of this species of objections. They are of a piece with that principle of Government, which treats the people as obstacles to all work, and pins its faith on an uncontrolled autocrat or autocrats. Of course, this faith is rarely, if ever, distinctly avowed. But we think it will be found, that such basis of reason as is alleged for objections of this kind—not merely in India—consists, in ultimate analysis, of a vague feeling, if nothing more, of

that plenary trust in Governments, which is synonymous with distrust of the people.

In proceeding now to another point, it will be convenient if we note first a small one, and kindred in some respects to the one we have discussed, namely, that some Acts contain powers given to the Executive to extend those Acts to places, to which *proprio vigore*, so to say, they are not applicable. Sundry Acts of this sort are to be found in our Statute Book. And although there is a certain amount of convenience in this procedure, we question its propriety upon the grounds already stated. Take, for instance, the Vernacular Press Act. It does not, by force of its own provisions, apply to the Madras Presidency. Yet under those very provisions, we may, some fine morning, hear a Ukase thundered forth from the heights of Simla, applying the Act to the territories under the Government of the Duke of Buckingham. We will put a case, in which this may occur. Suppose some Vernacular print in Madras, comparing the Duke of Buckingham with Lord Lytton, should say, that the former dealt very well with his people during the Famine, while Lord Lytton's policy was very exceptionable. It is not at all unlikely that this may be said. And in saying it, the writer may, also not improbably, season it with some spicy obervations. In the present frame of mind of our Imperialist Rulers,—as indicated for instance, by the Government Resolution on the case of the *Rast Goftar* Journal—this is almost certain to be construed as "seditious." And the thunderbolt may accordingly be fairly expected to descend on the head of such a "seditious" writer. Lord Lytton, who administered the famous rebuke to the British Indian Association, would almost to a certainty, be anxious to use his statutory powers to "prevent" not "punish" in such a case by extending the Gagging Act to Madras. And according to the new interpretation of our constitution, Lord Lytton might well do so without the concurrence of his Council,

or even against their united wishes. Whereas, if no such power had been given to the Executive as we are now referring to, if the Act had been made applicable, —indirectly as well as directly,—to Bombay and Bengal only, no such thing, as we have indicated, would be possible. The Legislature, instead of the Executive, would then have to consider the expediency of applying the Act to Madras. A sort of *locus penitentiæ* also might be thus afforded to Honourable Members, of which possibly Sir Alexander Arbuthnot, or the Maharaja Jotindra Mohan Tagore, might avail himself. At all events, the Legislature would be able to perform what is really its own duty,—instead of that duty being performed by the Executive in a way which might possibly not receive the approval of the Legislature, if the Legislature could interfere with it.

This question, however, is of comparatively slight importance, and we, therefore, proceed, without dwelling further upon it, to the next point—namely the frequency of retrospective legislation. Now it is perfectly true, that retrospective legislation is not very frequent here. Still there is, we think, more of it than is quite compatible with the Reign of Law. From 1869 to 1875, there has been on an average at least one Act, containing some retrospective provision. In 1869, the Local Funds Act retrospectively legalised all collections for Local Funds made prior to the Act. The Coinage Act of 1870 retrospectively indemnified Public Officers in respect of whatever they might have done previous to the passing of the Act. In 1871 the Customs Amendment Act retrospectively authorised the Government to prohibit the importation or exporation of any description of goods. In the Military Lunatics Act of 1872, the Savings Bank Act of 1873, similar provisions, though very much less objectionable in themselves, are to be found. In the Hereditary Officers' Act of 1874, we have a section enacting that a Collector may declare the alienation of a Vatan or any part

thereof null and void, even though such alienation had taken place before the passing of the Act. And in the Tolls Act of 1875, the Government got a provision inserted, sanctioning *ex post facto* all wrongful collections of tolls made in previous years. All these provisions appear to us to be so many breaches of the Reign of Law. Some of the provisions were undoubtedly justifiable—all of them doubtless were introduced for a perfectly unexceptionable purpose. Still they all, more or less, indicate, that the Reign of Law is not very generally,—still less universally,—prevalent in India. For it needs scarcely to be pointed out, that wrongful proceedings having occurred—it may be *bona fide*, still wrongfully, and under colour of official authority,—the effect of the Acts is, that the offending officer goes without punishment, and the wronged individual without redress. The principle of retrospective legislation is one to be applied with very great caution; and if it comes to be put into practice almost regularly every year, there is always a danger of a "sharp" and over-zealous Revenue officer running away with the impression, that he can civilize the people in his charge at Railway speed according to his own crotchets, and that he can always rely on his superiors getting a retrospective Act to whitewash him, so to say, for all such breaches of the Law, as his patriarchal enthusiasm might hurry him into. This, we venture to think, is a most undesirable impression to exist among District Officers, who live habitually in the midst of a population altogether wanting in independence of character, and who at the same time are apt to be run away with by their hobbies, which are not always to be even "understanded of the people," let alone appreciation. Take, for instance, the case related by the candid Bengal Civilian—the author of "Life in the Mofussil" (Vol. II. pp 198 *et seq*). By a certain contrivance he made the landholders pay the expenses of one of his measures of sanitation. He says of it himself: "My conduct,

however, was not legal, and it was only the urgency of the case, which induced me to do this—in fact, to act the enlightened despot for the time being." What he had done was this. He had issued a warrant for the apprehension of one of the landholders who would not pay the expenses of the "saheb's" sanitary measures. The *esprit de corps* of the Civil Service saved the Saheb from punishment, where a Native Officer would probably have received some extremely severe handling: But to add to the effects of this *esprit de corps*, the reserve force of a retrospective Act, if necessary, is surely not desirable.

But let us go now to the next point. *Lex omnibus una*; and where the Reign of Law prevails, all ought to be equal in the eye of the law. Is this so amongst us? Let Act 19 of 1870—the well-known Court Fees Act—furnish one answer. Section 12 of that Act provides, that a wrong decision as regards Court fees may be upset in a Court of appeal, if such decision is to the detriment of the Revenue; but not if it is in favour of the Revenue and against the subject. In 1871 our High Court endeavoured to explain this provision by saying, that it proceeded on the ground, that neither of the litigant parties can have any purpose to serve by overvaluing the matter in dispute. But this ground has in practice been found to be utterly untenable. It is probably one of the commonest pleas in written statements in the Bombay Mofussil that the Plaintiff has wrongly undervalued his claim; the object apparently being to embarass a Plaintiff by making him spend larger sums in Court fees, and thus curtailing his "sinews of war." A truer appreciation of the provision in the Act is indicated by a remark of Sir Michael Westropp made in 1877. "Perhaps" said His Lordship "the less said as to the equity of such an enactment the better." We, too, shall act on His Lordship's advice, and not dwell any further on that enactment!

Section 272 of the Criminal Procedure Code of

1872, allowed Government the privilege of appealing from orders of acquittal in criminal trials, without any limitation of time whatever. The investing of Government with such a privilege is itself an act of very questionable policy. But it is plainly unjust, that a man who has been acquitted after a solemn investigation and trial, should have such an appeal hung *in terrorem* over his head to the end of his natural life. It may, of course, be said that it is only done in the interests of the general community, and that Government have no personal interest to serve by such a provision. This is in a sense true, but we apprehend, that it only tends to cloud the real and whole truth to talk of Government in this connection. The practical meaning of the provision is, that the local officer, the Collector probably, who may not unlikely have his own jealousies and suspicions,—more or less well-founded,—may prefer the appeal. Besides, it is not, we conceive, in the general interests of the community, that, as an old English legal saying happily puts it, while men are mortal, criminal proceedings should be immortal.

Still another instance is forthcoming. By the Bombay District Municipal Act, a Magistrate, though he may be a Muncipal Commissioner, is empowered to try offences against the By-laws made by the Municipal Commissioners. Why this breach of what appears to be a principle of common sense? The Commissioners are really the complainants in such cases, and is one of their own number to judge the alleged offender? Suppose the accused pleads that the By-laws against which he is supposed to have offended are *ultra vires* of the Municipal Commissioners. Evidently the self-love of the Commissioner-Magistrate is directly wounded by such a plea. Is he a proper judge in such a case? Similar other cases may be easily put. But it is not necessary. Having regard to the want of forbearance shown by many of Her Most Gracious Majesty the Empress's representatives in the Mofussil; having regard to their want of training in legal

business ; having regard, too, to the hearty dislike which some of them feel to the Law and Lawyers, as cramping to a great extent their reforming energies ;* we venture to think that no adequate justification can be found for the breach of true principles involved in the section in question—a breach of the rule of *lex omnibus una*, as well as of the principle, that no man shall be a judge in his own cause.

Still they come,—these instances of the violation of the great principle referred to. In a very famous case in Calcutta, the learned and respected Chief Justice of the High Court there, with his unsophisticated British instincts, spoke as follows: "I desire to add that I personally do not regret that this matter has been thoroughly ventilated and discussed in open Court. It is extremely desirable that the public should fully understand, that in this country there is the same law for the Government as for the subject ; that there is not one course of practice for the Crown, and another for the prisoner." Noble words these of Sir Richard Garth ! They embody the principle on which British Rule in India rests only partially at present, but on which it ought to rest entirely, and on which it will rest most securely alike against internal discontent, and external aggression. But how is this principle dealt with by our Legislature in what it is pleased to call its wisdom—if we may adopt a favorite phrase of the late Lord Westbury? Let Act 11 of 1874 Section 11. furnish an answer. That section provides, that whenever it appears to the Governor-General in Council, that it will promote the ends of justice or tend to the general convenience of parties or witnesses, he "may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction

* Compare Maine's Village Communities Appendix P. 214. and Allardyce's City of Sunshine Vol. III. pp. 222 *et seq.*

subordinate to another High Court." So here we have what we must take leave to call the thin end of the wedge,—the interference of the Executive with the administration of justice by our judicial tribunals. The wedge is driven in further by an Act of the year following—Act 18 of 1875, which, in section 3 provides, that "no court shall be bound to hear cited &c. &c., the report of any case &c. &c. other than a report published under the authority of the Governor-General in Council." The objection to this section, is, if we may so phrase it, two deep. Firstly, it involves an interference by the Executive Government with the judicial business of the Courts; and secondly, it enables a person—in the legal sense—who is constantly litigating in our Courts, to dictate in part what law those Courts shall administer. We are free to confess at once, that in actual practice we have not heard of a single instance of the abuse by Government of the power thus vested in it. And we cheerfully add, that we have not the slightest reason for supposing—nor do we for an instant suppose—that any such abuse has ever yet occurred. On the contrary, the appearance in the authorized reports of those remarks of Sir Richard Garth, and Sir Michael Westropp, which we have cited, indicates that the powers have hitherto been very fairly exercised. But as was pointed during the discussions on the Act by our Chief Justice and his colleagues, the Government of India ought to be, like Cæsar's wife, above suspicion. Can it be said, that a Government—which by legislation takes to itself such powers as have now been pointed out,—is above suspicion?

Without dwelling further on cases of this class, of which a few other less notable instances might be adduced, we now proceed to the last class of legislative provisions, on which we wish to make any observations in the present article. And that class is undoubtedly the class of the greatest importance and relevancy in this investigation,—we mean the class of provisions

excluding the jurisdiction of the constituted legal tribunals from matters, which, on plain ordinary principles, ought to be adjudicated upon by them. It will be found, we think, that in every year from, say, 1869 till now, there is at least one provision in one Act or another by which the powers and limits of the jurisdiction of our Civil Courts have been restricted to a greater or less extent. Some of these provisions are not of much significance. But coupled with those of undoubted importance, they afford a very clear index of the direction in which British Indian administrative policy is tending. On two several occasions, two of the most eminent of Her Majesty's Judges at Bombay have felt themselves constrained to sound the tocsin,—if we may use such a phrase regarding a judicial expression of opinion,—against this retrograde tendency. In 1870, Mr. Justice West,—whose eminent ability in Court and out of it is too well-known to need mention here,—Mr. Justice West spoke on this point as follows, with the concurrence of Chief Justice Westropp. "The course of legislation on similar subjects in recent times shows a greater and greater contraction of the spirit of liberality and of confidence in its judicial institutions, which animated the Government in framing the Elphinstone Code of 1827. The merits or demerits of this policy we do not intend to discuss, but we must note the fact as throwing light on the probable intentions of the Legislature in passing Bombay Act 7 of 1863." That last sentence is worded, if we may so say, with judicial caution. But even there one may almost read between the lines, what is explicitly and powerfully stated in the next quotation we are going to make. That quotation is from a judgment, which about three years ago made much greater noise than the judgment we have already excerpted from. It was a judgment delievered, with the concurrence of one of the ablest Puisne Judges of the High Court of Bombay, by our eminent Chief Justice, Sir Michael Roberts Wes-

tropp, who, we rejoice to say, still keeps alive to a certain extent the high traditions of the British Bar and of our own old Supreme Court,—the Court of Perry, of Yardley, and of Sausse. The passage we have to extract from this celebrated judgment is rather a long one, but our readers will readily excuse us, if we give, instead of our individual view, the opinion of such a high authority, expressed in his own terse and nervous language which one in the present writer's humble position can only contemplate with admiring despair. Sir Michael Westropp spoke as follows: "The Revenue Department, when acting within the bounds of the liberal discretion which the Law entrusts to it, cannot be interfered with by the Civil Courts. It is only when it passes those bounds, and violates the rights of property, or otherwise transgresses the Law, that the Courts can interpose. Those who wish well to the preservation of British power and honour in the East, and whose field of view extends beyond the frontier of a department, will not desire that this limited and salutary power of interposition should be destroyed or impaired. We have no reason to believe that, as a body, the revenue branch of the Civil Service of this Presidency thinks differently. Moderation and discretion, combined with ability, are too general amongst its members to lead them to desire a departure, in this respect, from the wise and statesmanlike principles of Mountstuart Elphinstone embodied in his Code of 1827. India has yet to see the man who better understood what the circumstances of the various provinces of this Presidency and the temper of its people required. It is well-known that it was his intention to extend, in the course of time, to the Deccan and South Maratha Country, the right of resort to the Civil Courts which exists in the older provinces." And again His Lordship said :—"It is too much to expect with any confidence that an *ex parte* proceeding in such a case as this can be satisfactory. The Revenue Officers, if unaided by

hearing the facts fully debated by the professional advisers of the parties, and left to struggle alone through an immense mass of documents and accounts, may err on either side"—on which last observation, we beg to remark, that the Revenue Officers do not err too frequently "to the detriment of the revenue." The Canara case, to which their Lordships proceed immediately afterwards to refer, was one of the very small minority of cases, where the sympathy of some of the Collectors,—notably, if not almost entirely, Mr. Shaw Stewart, we believe,—was with the landholders.

So much for the opinions of those who administer the law as to what ought to be the law in this matter. What now is the law? Section 5 of the old Land Acquisition Act 10 of 1870 provides for damage done to any man's land by the entry of Government Officers on it, for the purpose of surveying, digging, boring &c., preparatory to the acquisition of the land "for public purposes." And the section enacts that the Collector shall decide what is to be paid to the landholder for such damage, and that his decision shall be final. Here then we have, by implication, an exclusion of the Civil Courts. Upon what principle is that exclusion based? The ordinary principle bearing upon such cases is plain, and is indicated in the extract above quoted from Chief Justice Westropp's judgment. Rights of property being violated, the jurisdiction of the Civil Courts attaches. And when you entrust the investigation of questions arising out of such violations to the Collector, you take it out of the hands of officers presumably skilled in and accustomed to such work, and make it over to persons, deficient in judicial training, who are probably the prime movers in the operations that result in the damage forming the subject of inquiry, and who, more often than not, probably hold the view, that for a great public good, as they apprehend it, any inconvenience or damage to an individual is a mere bagattelle. That this last feeling is a potent one among the non-judicial

members of the ruling class in this country, can, we, think, be shown on quite unimpeachable testimony. In truth, we may say in the words of the old legal saw. *Habemus optimum testem confitentem reum.* For sundry proofs of the existence of the feeling could be adduced out of that interesting work, Life in the Mofussil by a Bengal Civilian.*

Take again Act 15 of 1871. True it is, that that Act is conversant with a quite exceptional class of cases, and that, to a certain extent, that circumstance justifies exceptional legislation. But the ascertainment of the amount of debts or liabilities due by the Broach Thakurs, for whose relief the Act was intended, appears to us to be entirely outside the scope of the exceptional provisions which can be thus justified. Whether the debt should be paid in one or another particular mode may, perhaps, be properly left to the judgment of the Manager provided for by the Act. But whether the debt should be held to be due or not, and if due for what amount,—these matters might very fairly have been left to the ordinary tribunals. It should not be said in excuse that these are petty matters. In the first place, even petty matters are useful indications of a tendency. As a straw shows how the wind blows, even these petty provisions show the direction in which our government is tending. But secondly, they embody the violation of a grand principle,—and every such violation is, as one may say, the thin end of the wedge. Today it is only a small matter. A few more of such small matters, and greater and more mischievous violations of principle will become easier and more frequent. As Mr. Herbert Spencer has said in an analogous case: "One breach of the law leaves a gap for numberless trespasses. If the first false step has been taken with seeming impunity, it will inevitably be followed by others. School-boy promises of "only this once" are not to

* See Vol. II. 96 *et seq.* where we have some very candid remarks by the author.

be believed. Make a hole through a principle to admit a solitary exception, and on one pretence or other so many other exceptions will by and by be thrust through after it, as to render the principle utterly good-for-nothing. . . . Almost every wrong doing is excused by the doer on this ground. He thinks his act is at variance with the moral law, which he admits to be, and in some sort believes to be, the best guide. He thinks, however, that his interest requires him now and then to make exceptions. All men do this :—and see the result?" We venture to think, that the principle of these remarks has a strong bearing on the whole of our present investigation.

We next proceed to the—we had almost said notorious—Pension Act. By that Act, one whole class of cases is, by a single stroke of the pen, raised above the jurisdiction of the Law. And so strong was the momentum towards this upheaval, if we may say so, that the Act has been construed by a reluctant court to mean that even, as between subject and subject, no question touching that class of cases can be entertained by the Civil Courts. Whatever might be said in favour of exempting Government from a suit in such cases, no reason, we think, of any value can be adduced for this particular extension of the reign of executive discretion. We ought, however, to be thankful for small mercies! And we must, therefore, admit, that at the sweet will of the Executive, manifested by a certificate granted under Section 4, the Judges of the land may be permitted to do their duty in some questions of the class referred to!

Bombay Act 7 of 1873—the Salt Act—is another notable example of this new-fangled tendency in our legislation. The irony of fate is certainly worthy of remark, which sent Mr. Pedder to the Town Hall of Bombay, to make a fine rhetorical flourish about the Reign of Law in India, and in the same breath to defend this piece of legislation which sins most heavily against the Reign of Law.

It would be a tedious work to go through the specific provisions of this Act, (which was utterly erroneous in conception, and has been most mischievous in execution), in order to point out the numerous deviations which it sanctions from the great principle about which Mr. Pedder spoke so grandiloquently. The whole scope of the Act—even where the private rights of individuals are concerned—is to set the Executive above the Law, to make the Governor in Council everything, and Her Majesty's judicial tribunals nothing. Liability to confiscation; liability to suppression; whether a breach of a license has been committed; whether a license shall be cancelled—everything is for the Executive to determine, and that too—finally. Even inquiries to be made,—with such comprehensive powers, too, as are given by Section 17,—and all other work of a judicial or quasi-judicial nature to be done under the Act, are to be done by—not Her Majesty's constituted Courts, but by a special officer, specially appointed by the Governor in Council, or by the Collector of Salt Revenue. But we do not care to go deeper into this precious Act. We only crave leave to point out, that that Act, the whole object of which was, if we mistake not, publicly declared to be only the prevention of smuggling, and which, for that object, deviated from the traditional principles of British Legislation in this country, but which in its practical operation has, to all intents and purposes, destroyed much of the private trade in Salt, is still allowed to remain on the Statute Book, to the great distress of many thousands of poor people, by a Government which abolishes a purely Revenue Duty on Manchester goods in the name of Free Trade.

Let us examine next the Hereditary Officers' Act of 1874. Any alienation, otherwise than in execution of a decree of Court, of a Vatan, *whether that Vatan is assigned as remuneration for an officiator or not*, may, under section 9 clause 1, be declared null by a

Collector. We venture to say, that it is to render the Reign of Law a farce and a delusion to regard such legislation as even compatible with it. An alienation made, perhaps, before the passing of this Act, of a Vatan, which may not be assigned as remuneration for an officiating Vatandar, to be pronounced null by a non-judicial officer! And as if that was not enough, Section 12 enacts that in execution of such order of the non-judicial officer, that same officer may summarily evict the party in possession!! Talk of the Reign of Law after that!!!

We next come to the Revenue Jurisdiction Act, probably one of the very worst instances of this species of legislation. It is unnecessary to go into the details of that enactment. It raised such a universal outcry at the time, that its most objectionable parts had to be abandoned. But touching that abandonment, too, this fact is worthy of note, that it was not by the authorities in India that those sections were abandoned. It required a distinct direction from the Secretary of State in England to make the authorities on the spot come round to the correct path.

The Dramatic Performances Act of 1876 is another of these Laws which are inconsistent with the Reign of Law. The powers given by that Act to interfere with the liege subjects of Her Majesty are rather wide, and they are all given to the Executive Government, upon the principle apparently which played such a prominent part in the most retrograde and mischievous piece of legislation which we have had in this country in recent days,—we mean the Vernacular Press Act. The principle we allude to is that in some cases it is better to prevent than to punish. The principle, of course, is true enough, but its application in the two recent Acts above-mentioned, appears to us to be entirely contrary to principles of much greater weight and importance.

We need not go any further into the other

Acts of this class. There are several, to which we shall only passingly refer. Thus there is the Civil Procedure Code, giving extensive powers to the Collector in certain cases of execution of Decrees. There is the recent Forest Act, the Treasure Trove Act, and that most notable Act for the better control of publications in the oriental languages,* of which some of its godfathers are now apparently beginning to feel ashamed. We will not say more upon any of these Acts. But we cannot leave the last one without making a few remarks. The model for that Act was found in an Act of the Imperial Parliament,—the Irish Peace Preservation Act of 1870. A comparison of the two is most instructive upon the point now under consideration. All the exceptional features of the Imperial Statute are preserved in the Indian Act—without a hundredth part of those exceptional circumstances existing here, which alone weighed with Parliament in passing a measure admitted on all hands there to be in itself abnormal. But apart from that, while the Imperial Statute leaves to the aggrieved party an opportunity of bringing the whole case before the constituted judicial tribunals, the Indian Act carefully and deliberately fore-closes every such opportunity. Therefore, upon this, which for our present purpose is the most important element in the case, the methods of administration adopted for Ireland,—with her Fenians, and her murders of landlords by tenants, and her numerous conflagrations of properties—are much less abnormal, much more in accord with sound principle, than the methods adopted in India—with her quiet and disarmed populations, almost without exception thoroughly loyal,—and admittedly loyal,—to the British Government.

Before closing this review of our legislation during the past ten years, we must make an observation or two upon the Criminal Procedure Code of 1872—

* As to this see the last portion of the passage from Howell's State Trials quoted already.

an Act which, by its very nature, we should say, ought to be an exemplar of loyal allegiance to the Reign of Law, but which cruelly disappoints all just expectations of that sort. Section 64 is, perhaps, the provision, which sins most in that respect. The rider to that section, added by Act, 11 of 1874, we have already considered in another connection, and we need not, therefore, discuss it again here. The section itself provides, that the High Court may transfer criminal proceedings from one Court subordinate to it to another Court,—but its powers in this matter are, in substance, "cribbed, cabined, and confined,"—within such limits as the Executive Government may in its discretion prescribe. We certainly think, that such a provision strongly indicates that decay of "confidence in its own judicial institutions" on the part of Government, on which Mr. Justice West animadverted in the judgment to which we have already referred. This particular provision has not evoked any expression of discontent, because it has not yet been worked so as to cause any mischief. The principle, however, is a mischievous one all the same. A like provision is to be found in Section 292 of the Code. If it were not objectionable in principle, it would be still ridiculous as an attempt on the part of the Executive to extend its own powers at the expense of the judiciary. By that section, the High Court is permitted to prescribe rules to the subordinate Courts regarding the keeping of books and accounts, the preparation and transmission of calendars and such matters. These rules the High Court may prescribe, without the concurrence of the Government. Under the same section, however, the High Court has also power to make and issue general rules for regulating the practice and proceedings of all Subordinate Courts. And this power, according to the section, is to be exercised only "with the concurrence of the Local Government." It seems to us to be as clear as noonday, that this second branch of the powers of the High Court

under this section is particularly appropriate when given to the High Court alone, while as to the rules for keeping accounts &c., the Government might, perhaps, be allowed to have something to say to them. In truth, if we had had to frame such a section as the one we are now considering,—which is, of course, an extremely bold figure of speech, indeed,—we should have made it run thus:—292. The Local Government may, with the concurrence of the High Court, make and issue general rules—for keeping books &c, (as in the original section) and for the preparation and transmission of calendars &c. And the High Court may frame forms (when not prescribed by this Act) for proceedings &c., and may make and issue general rules for regulating the practice and proceedings of all Criminal Courts subordinate to it. This is the way the section ought to run. But it is plain that such a section will not be to the taste of our Imperialist Rulers.

And now, after this review of the legislation for our Presidency during the past ten years, we venture to say, that we have made out our thesis,—namely, that Mr. Pedder's boast about the Reign of Law in India is, at all events as regards this Presidency, not justified by the facts. The tendency during all these years has been towards a curtailment rather than an extension of the Reign of Law. The same high official, who in 1866 exerted himself to transfer to the Civil Courts the jurisdiction till then exercised by the so-called Revenue Courts, fought most strenuously in 1873 for the exclusion of the Civil Courts from several important classes of questions which were peculiarly appropriate topics for the jurisdiction of those Courts. And we take it,—though herein we have the misfortune to differ from the Chief Justice and Mr. Justice Melvill,—we take it, that Sir Barrow Ellis was, in this matter only a type of that class of "sharp revenue officers," who may be said to be having it all their own way at present. This new spirit of Imperialism, for which Lord Lytton's Vice-

royalty will be famous in our annals, and which Sir David Wedderburn has recently endeavoured to expose in England, is not entirely of Indian birth, it derives its inspiration and life from certain high authorities in England and the well-known cases of the Secretary of State and the Viceroy overruling their respective Councils within a short interval of one another on important questions of administration, point, to our mind, to a still further undermining of the Reign of Law in India in the coming years. The result, if our forecast is correct, will injuriously affect not only this country, but England also. For we cannot believe, that the training which Anglo-Indians will receive in this country, can go on for any time, without exercising an influence, albeit, perhaps, a slow and silent influence, on the ideas of Englishmen even in their own Island home.

But it may be said, that we are here applying to India ideas which are utterly foreign to the feelings and sentiments of the people; that the Natives of India don't care a button for the Reign of Law; that they are great lovers of the Mâbâp theory of Government, and that if British Policy in India is veering towards that Mâbâp theory, it is only casting off the doubtful virtue of consistency in error. Now we believe that this view of the matter has great attractions for many persons among the ruling class in this country. It will not, however, bear a moment's serious examination. So long ago as 1868, Sir Henry Maine wrote as follows in a Minute to which we have already alluded. "I do not admit the proposition, which is sometimes advanced, that the Natives of India dislike the abridgment of official discretion. This assertion seems to me not only unsupported by any evidence, but to be contrary to all the probabilities. It may be allowed that in some cases discretionary government is absolutely necessary, but why should a people, which measures religious zeal and personal rank and respectability by

rigid adherence to usage and custom, have a fancy for rapid changes in the actions of its governors, and prefer a regimen of discretion sometimes coming close upon caprice to a regimen of law? I do not profess to know the Natives of this country as well as others, but if they are to be judged by their writings, they have no such preference. The educated youth of India certainly affect a dislike of many things which they do not care about, and pretend to many tastes which they do not really share; but the repugnance which they invariably profess for discretionary government has always seemed to me genuinely hearty and sincere." The passage is a long one, but it gives the opinion of a high authority, and is well worthy of consideration by "the powers that be." There is, however, another matter of great moment which must be here noted. Is the British government prepared to accept the responsibilities of a Patriarchal system of administration in India? It will not do to say that you will have a rigid system of rules in one Department of administration, and a patriarchal laxity in another Department. You cannot thus take all the wheat and throw away all the tares. For instance, you cannot play the patriarch so far as to take a good slice from the wealth of an individual, and apply it for the improvement, *as you understand it*, of himself, or his village, or his country; while, on the other hand, you insist on your "pound of flesh" so to say, in respect of land assessments, even in days of famine and dulness of trade. The patriarchal system, which is desired by some, is a system under which they can, at their own sweet will, apply the one set of principles or the other —now telling the people "oh, we are simply perpetuating your own old customs, come and work without pay at the mending of these roads;" and then saying to them "what! sanction your ignorant rules of taxation? No. England is here to civilize India by means of Western ideas." *That* is the Patriarchal theory which the more absolute-minded among the ruling classes

wish to see recognised. But that is *not* the theory which any Native of India will accept with satisfaction.

The point now touched upon is one of considerable significance, but here we can only make a very short reference to it. The Patriarchal theory is incompatible with the established institutions of British Rule. The Tax-gatherer, the Policeman, the Judge, the Schoolmaster, are all abroad. The all-absorbing comprehensiveness of British administration reaches into every nook and corner of the land, as neither Moghul nor Maratha rule ever did reach in their palmiest days. The old order has changed, and yielded place to a fundamentally new one. That change, we apprehend, is irrevocable. And while the new order prevails, it is impossible, we think, to make such a Patriarchal system, as we have already described, satisfactory to the people, even if it could have their approbation in the abstract. In our own humble opinion, the patriarchal system which the people might approve is a very different one altogether, and that can exist only under a purely native rule or under an alien rule when the points of contact between the Central Government and its representatives on the one side, and the village communities and the people on the other, are as limited as they used to be under the former Governments.

An objection of a different nature may be urged to our conclusions, and with much greater force. The Reign of Law, it may be said, is all very well, when Law is made by a power which the people themselves have constituted. People may well feel themselves bound by a Law, where the Law is enacted by a person or a body whom they consider qualified to judge of their corporate interests, and whom they accordingly elect for looking after the furtherance of such interests. And such people may well complain, if they are obliged to submit to the orders of any other authority than the one they have thus constituted. But where, it may be argued, the law must in any case be prescribed

by a power outside the people, and independent of the people, what can it signify to the people whether it is conveyed to them by the one channel or the other—by a Resolution of Government or by an Act of the Legislature? There is some force in this argument, but less, we think, than might be supposed at the first blush. In our present political condition, the argument does not exactly square with the facts. The Legislative Councils, though mainly and predominantly independent of the people, still to a small extent profess to represent, and to an infinitessimal extent do represent, the people. We are, however, free to observe in passing, that one most unfortunate sign of the times is the studied care which has been taken during the last year or two to banish the little independence that was left, and appoint men to seats on the Council for every other reason on earth save their fitness for the work required. These circumstances do not, however, detract from the excellence of the system inaugurated in 1861. Even now the battle of the people may be fought, and is at times strenuously fought, within the Council Chamber. The rules of the legislature also enable parties to be heard on any project of law, by Counsel if necessary—"at the bar of the House," to borrow a phrase from a far higher sphere. In the Executive Department, this, if not impossible, is next door to it. Nobody, as a rule, is heard against any measure until after it is a *fait accompli*. Probably nobody knows of it till then. Hence there is an important distinction, both in principle and in practice, between the one mode of government and the other. Therefore, even under a despotism—"tempered," or not, by actual circumstances—the Reign of Law, even though imperfect and inchoate, is preferable to personal and patriarchal rule. The former contains with it the germ, however minute, of future improvement. The latter is simply stationary and stolid.

One other objection of a kindred nature may be

here noticed. It may be said, that the Executive Government consisting of the "cream of the cream" of the official world,—men of long experience, of views and opinions mellowed by age and wide knowledge of the world, may be expected to constitute a better government by themselves, than when they have presumably less competent persons to embarrass and cramp their energies. Assuming, but by no means admitting, the correctness of the data on which this argument is based, we still think that the existence of an opposition, though less competent than the ministry, will make the ministry better administrators, than they would be without such an opposition. "All the talents" are not always successful,—and especially not in India, if all the talents belong to one narrow and powerful class.

Upon the whole, therefore, we contend, first that under present conditions, it is not correct to say that the people esteem personal government above the Reign of Law. We contend further, that the Reign of Law which we are living under, is a very imperfect one indeed, while all the indications about the future point rather to its probable curtailment than to its extension. We contend lastly, that the tendency thus manifested is a retrograde and mischievous one, and not consistent with those principles which have received the high sanction of eminent statesmen—of Mountstuart Elphinstone and others who founded the Empire, and also of still higher authorities. Here we conclude. But we venture to express a hope, that the facts and arguments brought together in this paper may attract the serious attention of all who are interested in the progress of British Rule in India, and more especially of influential English Statesmen like Mr. Bright or Mr. Gladstone, or Lord Derby, or even Sir Stafford Northcote, so that a different direction may yet be given to the course of British Policy in the administration of this great country.

NOTE TO PAGE 29.

As "Life in the Mofussil" is not a book likely to be in the hands of many of our readers, we give the following extract from it germane to a point noticed in the text.

'At dinner that evening, I was remarking what an immense improvement the embankment was. "No credit belongs to me" said Saunders, "it was all done by my predecessor Berkeley-' You'll have the trouble of keeping it in order, so it is as well you approve of it."

"Yes" said Leland, "it took some trouble to get it done, and it takes some to keep it in repair. It was constructed, you know, by "*moral influence.*" All the natives here were in great awe of Berkeley; and when he convened a meeting, of the residents and suggested the undertaking, and that subscriptions should be raised, they came forward very liberally. If, however, any of them did not give *as much as they ought, Berkeley let them know soon enough what he thought of them.*

For instance, there was one fellow here son of a *nouveau riche*, but very rich withal, named Mohinee Mohan, who was not present at the meeting but sent as a subscription 2500 Rs.—250 £. Berkeley sent it back, wishing to know what he meant by *presuming* to offer such a sum. His messenger returned discomfited, but came back with 5000 Rs. This Berkeley also refused *with contempt*, and at last Mohinee in despair sent to inquire what he ought to give. Berkeley said, that in consideration of his wealth, and the position he ought to take among his fellow townsmen, *he should not think less than* 25000 *Rs. a proper sum.* And the money was sent at once.

I did a little bit of Punjabi work myself. (Leland had been transferred to Bengal from the Punjab where things are done in a very high-handed manner by the conquering race). The garden wall of the house just this side of the bandstand ran down almost to the river; and when the embankment on both sides was completed, this bit of wall jutted out into the middle of it, and was a great eyesore. The house belonged to three brothers who held it in joint tenancy in common.* I tried hard to persuade them to let me curtail their garden, and to make the inner line of the promenade even. I never could find them all together; but they kept on saying that they would consult together and let me know. Each individual would say that he was willing, provided he could get the consent of the other two. So one day I collected secretly two hundred labourers and went round in my buggy to each of the brothers, saying, "If I can get the consent of the other two, will you let me do what I want?" Each said 'yes'; so when I had been to all three, I drove off to the coolies, in two hours

* *Sic* in original.

the wall was down, and the materials all collected by the evening for rebuilding it farther back. The owners could not say anything against what had been done; and the next day the wall was rebuilt. They lost a little bit of land by this; *but this property was so improved in value by the making of the embankment*, that I don't *think they had any right to complain.*"

I bethought me of my Durbhungah improvements, which were successful through very analogous measures.

As a body, the natives do not show any public spirit, *and energetic civilians supply it in this manner.* I fear, that, with one or two exceptions, *all the subscribers would sooner have had their money than the embankment, and that this is the case with all our European improvements.* At any rate at Durbhungah, my improvements had been distinctly for the benefit of the town people;* whereas at Dacca it might be said that the embankment was more to the taste and advantage of the European than the native community, who after all, cared very little about it. Then the question comes in, "ought we not to teach them to care for and take interest in such things;."† Whatever our duty may be, our efforts are very unpalatable to them.'

The Italics in the above are ours. Further comment would be superfluous. The passage fully bears out our propositions in the text, and officers all over the country could doubtless furnish numerous parallels from their own careers.

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* We wonder if in saying this, the writer had made adequate allowance for "the personal equation ?"

† "Moral influence" "and Punjabi work" are not, we submit, the proper mode of "teaching" this.

THE DECCAN AGRICULTURISTS BILL.

For the first time in the social history of rural Deccan under British rule, the law-abiding Kunbi was found in 1875 to take the law into his own hands, assail the Sowkar, his creditor, and destroy the bonds, books, and papers on which the latter relied for proof of his claim. The agrarian disturbances in the districts of Poona, Sholapore, Ahmednagar and Satara were organized on a plan and after a method which at once proclaimed the seriousness of their causes, and the gravity of the issues involved. They would have spread far and wide but for the assurances conveyed to the ryots by the Civil authorities that their grievances would be listened to, and remedied. But these pledges and promises remained long unfulfilled. A Commission was indeed appointed, and that Commission made a most searching inquiry into the causes of the disturbances and of the present condition of the ryots, and submitted an elaborate and exhaustive Report on the subject. But the Government of India slumbered over this report for several years. Meanwhile successive famines and unfavorable seasons exhausted the slender resources of an already impoverished community. Matters, however, did not reach their climax in the Deccan until March and April last, when the crimes of dacoity and house-breaking shook the peaceful population to its inmost depths. Lord Lytton, on the authority of Sir Richard Temple, endeavoured in the Council to assure the public that the recent disturbances and dacoities were not caused by the indebtedness of the ryots. We are not disposed to enter into the discussion of this question at present, though our own view of the matter has been enunciated at length in the last number of our *Quarterly Jour-*

We are glad to find that those views have met h welcome support from the highest authorities. . Hope's able and exhaustive speech, when introduc- the Deccan Agriculturists Relief Bill, contains a mas- rly analysis of the causes which have depressed the ots in the Deccan, and of the remedies which it is in e power of the Legislature and of the Executive Gov- nment to adopt with a view to better their condition. Ir. Hope's untiring industry and marvellous capacity or work are well-known. Although a revenue officer who has spent most of his time in Gujarat, he has, in onnection with the present Bill, as his speech hroughout shows, spared no efforts to inform himself of the past history and present state of the Deccan ryots. In fact he appears to have exhausted all the known sources of information on the subject. His whole measure undoubtedly proceeds upon the lines of the Deccan Riots Commission's Report. This Commission's investigations and recorded evidence probably left little to desire on the subject. Mr. Hope has also been a diligent student of the discussions in India and England on the condition of the Deccan peasantry. Not content with this, he had a personal conference in April last at Bombay with Sir Richard Temple and the Members of the Bombay Government. The Bill, therefore, is not a haphazard measure. It is the outcome of deep, steady, and diligent research into the condition and requirements of the Deccan peasantry.

It is in this spirit that we welcome the Bill, and although, in reviewing its principles as unfolded in Mr. Hope's speech and in the detailed provisions of the measure, we may have occasion to differ from Mr. Hope, we cannot help thinking that upon the whole, it is a measure, which working in conjunction with a more liberal land revenue policy, and *on that condition alone*, is calculated to afford that relief to the ryot which he has so long needed, and which his most ardent well-wishers have so long desired.

To us amongst the most salient points in which

the chief interest of Mr. Hope's speech centres, t
the least remarkable are the passages in which t
Hon'ble Mover calmly but effectively explodes t
doctrinaire views of optimist officials in regard to t
causes of the Deccan Ryot's indebtedness. It ha
until of late become a fashion with a certain class
Revenue and Survey officials in this Presidency t
account for the ryot's miseries by running the Kunb
down as a thriftless fellow, living beyond his means
spending his savings extravagantly in marriag
expenses, improvident to a degree, and neve
thinking of the "morrow." The Deccan Riot
Commission's Report most effectually exploded this
theory. It showed conclusively that undue pro-
minence had been given to the expenditure on marri-
age and other festivals as a cause of the ryot's indebt-
edness. Mr. Hope's experience as a revenue officer
and his deliberate opinion founded upon that experi-
ence ought to set at rest the notion that the improvi-
dent and thriftless nature of the Kunbi has been the
cause of his depressed condition. Nothing can be
more just and truthful than his noble, though a little
forensic, vindication of the national character of the
Maratha Kunbi. He says :—

"The Maratha Kunbi, is not the defective and useless creature postulated. No such material composed the armies of Sivaji and his successors, which defeated the Moguls, over-ran half India, and founded an empire of which the remnants still flourish around us. As a soldier, the Maratha in older days was as enterprising as he was hardy, equally able to bide a buffet and to strike a blow. At present he furnishes material, perhaps, second to none in India for the purposes of modern war. All representations of him as *thriftless, enervated*, and *puny* are incorrect. As a peasant proprietor he is no unfavorable specimen of the class. Mr. Chaplin and our other early authorities give him credit for many sterling qualities. He is still represented by the Commission as a simple, well disposed peasant, contented with the scantiest clothing and hardest fare, not without masculine qualities, and a stubborn endurance, though still mostly uneducated, and consequently without broad range of intelligence. Of course improvidence and slovenly cultivation may be detected in individuals or particular localities. But we must not expect too much. Under British rule, the Kunbi has undoubtedly progressed as fast as adverse circumstances al-

ed. He works his fields to the best of his lights, and in the season travels far in search of day labour, or with his cart on . During the late famine he displayed resources equally cre- ible to his thrift and his good feeling. His embarrassed condi- n seems to be rather his misfortune than his fault, induced by obligation of ancestral debt, *the burden of the land revenue de- nd*, and the facilities for extortion conferred by our laws upon e creditors."

The Italics are ours. They emphasize another oint on which Mr. Hope corrects official optimism, nd establishes the connection of the ryot's in- ebtedness with the rack-renting revenue policy of Go- ernment. After admitting that "*to our revenue system, nust in candour be ascribed some share in the indebted- ess of the raiyat*," and that " it seems likely that in- lebtedness arising mainly from other causes, normal, or special, may have been aggravated by our rigid system," he proceeds to say :—

" If the recovery of instalments were more co-incident with the time when the ryot realizes his produce instead of falling sometimes too early and sometimes too late, and so the land reve- nue were more in practice, (what it is in law), a first charge on the latter, much temporary borrowing, fraud in crediting produce, and eventual Government process for recovery might be avoided. Some debt, too, may be caused, by the fear of *eviction,—a mode of reco- vering the revenue for which a substitute is much needed.*"

Now mild as this expression of opinion is, (and perhaps, considering the official position of Mr. Hope, we think he could not put it stronger), it contains in so many words a silent, but not the less emphatic, pro- test against the rigidity of the revenue system and the enhanced rates of assessments. The exhaustive expo- sure of the unsoundness of the Bombay revenue sys- tem contained in the minutes of the Deccan Riots Commissioners could not fail to carry conviction home to any unbiassed mind that the rack-renting policy of Government has been to a large extent responsible for the ryot's indebtedness. But perhaps a stronger condemnation of the system can scarcely be found than in the words of His Ex- cellency the Viceroy Lord Lytton. In the course of the debate which followed Mr. Hope's speech, the

Hon'ble Sir Robert Egerton, the Lieutenant Gover of Punjab, pointed out that too little attention was p to the fact of the stringency of our revenue laws h ing contributed to, if it did not entirely originate, t indebtedness and difficulties of the Deccan ryot. H Honour considered it was clearly desirable that wh steps were taken to protect the ryot from the priva creditor, adequate measures should be adopted at t same time to afford him some relief from the pressu of its own demand, in a way which would not thro upon the ryot entirely the burden of meeting all th risks of a scanty rainfall and a precarious crop, bu would leave those risks on the Government itself, an relieve the ryot who had been found to be incapable o meeting them. His Excellency, in noticing this ob- jection, remarked that what "My Honorable friend the Lieutenant Governor pointed out to us yesterday is what I am afraid only too true, that this state of things exists, not indeed in the same degree of inten- sity, yet more or less potentially as it were, throughout the greater part of India, where a comparatively slight aggravation of existing circumstances might not impossibly produce results scarcely less distressing than those which it is our present object to mitigate in some parts of the Deccan." This confession on the part of Lord Lytton has a significance in the fact that the depression of ryots is general over the greater part of India, and that the causes of depression are the same all over the country. What follows is still more reassuring, for His Excellency says :—

"I am personally disposed to believe that the question of re lieving the ryot from the unvarying pressure of claims on the part of the state itself has been urged by us on the attention of the Government of Bombay in special reference to those districts of the Deccan for which we are now legislating, and that it has engaged our own attention in reference to other parts of India. The indif- ference of the Government to this aspect of the question must not, therefore, be assumed from the absence of all allusion to it in the terms of the present measure. I am personally disposed to believe that the rigidity of our present land system might in various direc- tions be relaxed with great benefit to the cultivator, unaccompanied

any serious inconvenience to the state. As the alterations in the *modus operandi* of our land revenue system, whether as *regards the collection or assessment of revenue*, can be effected without legislation, the provisions of the Bill now before us are properly confined to those remedial measures which absolutely require not only legislation, but legislation of a special and novel character."

These words of the Viceroy, while admiting the rigidity and undue pressure of the present land revenue system, sufficiently explain why the question of the land policy has been kept apart from the consideration of this Bill. In fact the Government of India have already drawn the attention of Sir Richard Temple's Government to it, both in their letter, dated the 26th February 1879, and in the covering letter of the 26th July, forwarding this Bill for the consideration of the Bombay Government. Judging, however, from the Bombay Government's reply in the last para of their letter dated the 18th April, Sir Richard Temple seems to show a certain lukewarmness in entertaining proposals having for their object the alteration of the present system. We are told that:—

"The Governor in Council has given his best consideration to the question of the possibility of superseding the fixed rates of land revenue assessment at present in force in the four districts in question by a scale of rates varying, as suggested by the Government of India, with the favorableness of the seasons. The proposal is one which, it is anticipated, there would be very great difficulty in adopting, but the Government have the matter still under their consideration, and should it be found feasible to recommend any alterations in the existing system of settlement of the nature suggested, a separate communication will be addressed to the Government of India on the subject."

We trust Sir Richard Temple's Government will see their way to comply with the wishes of the Government of India, and propose changes in the existing system, either by re-adopting the proposals made by the Government of Sir Philip Wodehouse, or by introducing a permanent grain settlement in lieu of cash payments. Of all the proposals this appears to us to be the only one that is likely to commend itself to the attention of the Government of India as solving the agrarian difficulty. Any remedy in the direction

of an assessment fluctuating with the variations of the seasons is sorely needed. It must not for a moment be supposed that the difficulties of Government in regard to the collection of revenue would be over with one or two favorable seasons. If the question is shelved because the next season will probably find the ryot able to meet the revenue from the sale of his crops, it may land the authorities in greater difficulties in the following year. And the difficulty of realizing the revenue will, we fear, be found overwhelming when, with the present Bill passed into law, the ryot shall have lost all credit with the money-lender. We think with Mr. Hope that any relief intended in this direction should be given promptly and simultaneously with the working of the Act, as otherwise the Act alone will do no real, tangible, or lasting good, and might even aggravate the present condition of things.

The third official misconception which the debate on Mr. Hope's speech has cleared up is in regard to the Sowkars, their character,and their relations with the ryot. As a rule our district officials have painted the money-lender in the blackest of colors. He has been denounced for his greed, and his rapacity, and held up to ridicule as the village Shylock, and the sole cause of all the ryot's miseries. The Deccan Riots Commissioners,however,showed satisfatorily that the money-lender is not only not the curse of the ryot as he is supposed to be, but that he plays a most useful part in the rural economy of the Deccan. But for him, the state would have found it extremely difficult to ensure the punctual realization of its revenue. A great portion of revenue, although paid directly by, and in the name of, the ryot, is actually advanced by the Sowkar. His trade is supposed to be unduly profitable, but when his risks are taken into account, the Commissioners found that his profits are not greater than those warranted by the precarious and risky character of his business. On this subject there was a pretty general agreement in the Council, as is shown by

the observations of the Hon'bles Sir Alexander Arbuthnot, Mr. Rivers Thomson, Sir John Strachey, His Excellency the Viceroy, and of Mr. Hope in his second speech. It was admitted by all of them that the Sowkar was as necessary to the ryot as the seed he sows, or the rain from the heavens that irrigates his field, and that without him Indian agriculture would probably be not possible, and we may add, the government revenue would not be realized except in kind.

While Mr. Hope showed some reserve in denouncing as strongly, as was desirable, the land revenue system, he felt no such compunction in condemning the evil effects of the other agency of government which has aggravated the ryot's embarrassments by making the administration of justice a prolific source of revenue through the Limitation, Stamp, and Court Fees Acts. From 1827 to 1859 the Elphinstone Code eminently answered all the requirements of the law of debtors and creditors. It combined the outward forms of the native system of procedure, with European common sense and equity in practice. It provided for arbitration or Panchayat Courts, a usury law, and a long limitation of suits. In 1859, the old law of limitation gave place to a new one, in which the period for suits was reduced. In the same year also was passed the first Civil Procedure Act, followed by the Stamp Act in 1860. The procedure thus became complicated and expensive. The quick-witted money-lender, however, managed to accommodate himself to the new judicial system. The Courts chiefly look to bonds and their genuine execution for proofs of claim. They decline to go behind the bond. Suits are heard in the absence of the defendants and *ex parte* decisions are given in a great majority of cases. Of all the recent laws, however, those which have had a most disastrous effect on the condition of the poor peasantry, not only in the Deccan, but in other parts of this Presidency,—we might well say throughout India,—are the Limitation, the Stamp and the Court Fees Acts. By the Limita-

tion Act, the creditor was bound to obtain a renewal of the bond, or file a suit every third year, and get a decree. In either case, it was the debtor who suffered. The renewal of bonds added not only fresh costs in the shape of Stamps, Vakil's fees and Court Fees and batta &c., but increased the principal by the amount of interest accrued and the law costs. Well may therefore Mr. Hope say :—

"The condition then (1859-60) consummated has lasted with but slight variations for about twenty years. The procedure is highly elaborate and technical, the penalties of contravention of it severe; and litigation, dangerous without the guidance of a pleader, whose services are costly, and interests often at variance with those of his client. The procedure is the same for a debt of Rs. 5 and 5000, except in the rare instances where Small Cause Courts are established. *Stamp and Court expenses have nearly doubled. Arbitration has been gradually shouldered out*, partly by the superior prestige of the Courts, partly by the Stamp duties, partly by its disadvantages for the money-lender. Thus owing to the penalties of contravention of procedure being severe, the law *compels the creditor, whether willing or not, to put the debtor into an embarrassing position.*"

We think, therefore, that the extension of the period of limitation for suits is one of the most valuable amongst the many new and important concessions which the Bill will secure in the interests of the Ryots. We give our most hearty support to it. We are firmly persuaded that this extension will operate most beneficially in the interests of the debtor, without in the least compromising the claims of the creditor. Seeing that his claim is not barred by limitation, the creditor will gladly give more time to the debtor for payment. Compound interest, even if not otherwise provided for in the Bill, would, in the great majority of accounts, be eliminated. The extended limitation will breed greater confidence between the Sowkar and the Ryot. There will also be a considerable saving of stamp expenses as the renewal of bond will be deferred. We are glad to find that the weight of authority in favor of this change has been overwhelming. It is one of those seven principles on which the Government of India is not prepared to entertain any compromise at any

stage of the Bill.* We find that the Government of Bombay, though not supporting it themselves, have expressed no strong opinion against it. It has accordingly been provisionally adopted in the Bill. Probably Sir Richard Temple was not aware that that question was one of those on which the Government of India was not prepared to entertain any compromise. If His Excellency had known this previously, he would probably have not only given his own adhesion to it, but would have got even his colleagues in the Government to support it. But it is not even too late now for His Excellency to convert his government over to the views of the Government of India. We grant that the extension of the Limitation Law will probably operate to diminish the stamp revenue at present realizable from the districts. But this diminution will be as nothing compared to the immense relief that it will give to the Ryots. This consideration so much outweighs that of revenue that we should rejoice to see the extended limitation applied to the whole of India.

Another concession that, in our opinion, must be made in the same direction is in regard to Stamps and Court Fees. This may be done in the four districts at once, seeing that real relief to the Ryot is the main object of the Bill. In a Memorandum by Mr. W. M. Coghlan, the District Judge of Tanna, on the cost of the Courts in this Presidency, it was shown by the learned Judge, by a reference to figures of receipts and costs, that,

"*excluding the Original Side of the High Court in which the Mofussil inhabitants of the Presidency have no more interest than in the Supreme Court at Hongkong, there would have been a clear profit on litigation of no less than Rs.* 4,60,106-7-6. *Deducting from this*

* The seven principles that are to be strictly adhered to are :—(1) The power to go behind the bond, (2) the necessity for simplifying the procedure, (3) the augmentation of the number of tribunals, (4) village registration to which great importance is attached, (5) the establishment of courts of conciliation, (6) the extension of the period of limitation, and (7) the abolition of imprisonment for debt.

account the item of loss on account of the working of the Original Side of the High Court, there is a reduction of the profits on litigation to Rs. 2,48,025-3-9. Therefore, the learned Judge says, 'the 1941000 sets of litigants in the Moffusil in 1873 paid amongst them Rs. 2,48,025-3-9, or Rs. 1-4-5 per case to the general Treasury in excess of the cost of their litigation, and Rs. 2,12,081-3-9 or Rs. 1-1-6 per case to keep up the Original Side of the High Court for the inhabitants of the Island of Bombay, and notably for the benefit of lawyers and placemen."

Now, we can easily understand laws made for the purpose of bringing revenue to support the charge of judicial establishments for dealing out justice between man and man; but to make these laws operate in a way that should bring not only revenue enough to maintain them but leave a surplus or profit to go to the General Treasury, is we maintain utterly indefensible on any principle of justice. It must be remembered that such laws are not intended to secure revenue. And yet what is more common of late than to find attempts made to fill up the void in general revenues by increased stamp duties and Court fees, whenever an occasion is offered for revising these laws ?

Bringing these principles to bear upon the condition of the ryots in the Deccan, we strongly urge on the attention of the Seleet Committee on Mr. Hope's Bill to see its way to a reduction of stamp duties and Court Fees in the four Deccan districts. Mere simplication of Court procedure, unaccompained by any reduction of its costs, will scarcely afford a tangible relief. Doubtless, the extension of limitation will be some relief, but to make the relief real and thorough, it is of first importance, we think, for Government to make this additional concession even at the sacrifice of a few thousand rupees of its surplus revenue of 4 lakhs. This is no new suggestion that we offer. Experienced district Judges, in reply to enquiries made by the Deccan Riots Commission, recommended these very concessions. For instance Baron De H. Larpent, District Judge of Poona, Mr. Coghlan, District Judge of Tanna, and Mr. Birdwood, District Judge of

Surat, in reply to the circular questions addressed to them by the Commission recommended that the only way whereby trials of suits between Sowkars and ryots may be cheapened, would be to reduce the Court Fees which at present are scandalously high, and keep hundreds of defendants from going into Court. Probably there is hardly a district in which the working of the Civil Courts does not show a surplus every year. In the Deccan districts Government might well rest satisfied with a smaller surplus. It may perhaps be urged that the establishment of twelve additional Courts as proposed for the districts will absorb this surplus. We are not sure whether it will have any such effect. We think that, even after defraying the cost of the proposed establishment, there will still be left a surplus which, instead of being applied to the purposes of the general Treasury, may well go to afford a much desired and needed relief to the Deccan peasantry.

Another valuable concession to popular demands which the Bill makes, is in the direction of giving a wide scope to the principle of conciliation. To afford facilities for a friendly settlement of disputes, the Bill provides that no litigation shall commence until the conciliator appointed by Government certifies that all his attempts at an amicable termination of the dispute have failed. The office of a Conciliation-Judge will be entirely distinct from that of the Civil Judge. In the selection of a Conciliator, regard will be had chiefly to his local standing and personal influence over the people. It will be an honorary, but at the same time a most honorable, post. Since much will depend on the selection made, it is to be hoped that amongst the numerous class of old pensioners, non-practising Vakils, and respectable bankers or traders there will be found men who, by their position, character, and influence, will prove themselves fit to discharge the duties of this honorary office. At all events, the experiment deserves a fair trial before any opinion

is hazarded in favor of, or against, its success. It should be remembered that the Village Panchayat is one of the oldest institutions known to this contending country, simple in its character, and least costly to the parties. These Panchayats have of late ceased to be useful to the coummunity, owing to the establishment of regular courts of justice, and also to the discouragement they have received at the hands of the Government. But the institution has not died out altogether; for, under the form of Arbitration Courts, it has been, since the last few years, revived at Poona, Surat, and elsewhere. We think the time has come when its traditionary status may be restored and recognized with benefit to the people, by giving it a certain position in our judicial system. Nothing, in our opinion, will better popularize the principle of conciliation and amicable arbitration, or more effectually discourage useless and expensive litigation, or more successfully educate the people in self-government, than a due recognition by law of such of the Lawad or Arbitration Courts as exist in the country with advantage. Out of these bodies, conciliators might be selected. If necessary, their decisions may be made subject to review by the revision Judge, but it is desirable in the interests of the community, for whom special legislation has been deemed necessary, that such institutions should receive a legal status even under certain control, if such control be deemed necessary.

The appointment of Village Munsiffs to try suits of less than 10 Rs. in value is also another concession made to popularize the administration of justice. The Government of India appears to be of opinion that the appointment of Village Munsiffs should be restricted to village headmen, and th.. as these will, in many instances, be illiterate persons, whose judgments can not be expected to stand the scrutiny of our courts of revision, it is proposed that their decrees should be made final. We are sorry we cannot approve of the

reasons assigned for the provision regarding finality which is proposed to be given to the decisions of these Munsiffs. It should be remembered, that in taking our model from the Madras system, our end will be best gained by incorporating the spirit of the system and not its letter. For instance, we do not see why, in the first place a good district hereditary officer, or an Inamdar, or a pensioned government servant, who has retired after faithfully serving the Government, should not be appointed to the post. When it becomes generally known that such village headmen and other leaders of the rural community, as can show themselves qualified by their education and character to exercise judicial functions, shall be invested with these resposible duties, the sons of the present village Patels and other Vatandar gentry will be induced to fit themselves by good education for such honours. It will not do to say that because there are no Village Patels at present in whom this trust can be reposed, the plan should be abandoned. A new institution like this deserves to be tried before any opinion is pronounced as to its suitability or otherwise. If the system has succeeded in Madras, there is good reason to believe that it will equally succeed in Bombay also.

It is especially connection with suits coming for disposal before Conciliators, Arbitrators, and Village Munsiffs, that we think relief should be given to the ryots by providing that the stamp duties on awards and court fees on applications to file such awards are altogether abolished or considerably reduced. Unless this is done, no tangible relief will be given to the ryots. Of late years the legislature has positively discouraged conciliation and arbitration by imposing a prohibitory tax in the shape of stamps on awards. We hope this mistake will be corrected in time, and that in so far as the Deccan districts are concerned, stamps and court fees on awards and applications will be abolished.

We now come to the substantive principles and provisions of the Bill. They have a threefold object

namely, (1) the protection of the ryot from the frauds of the money-lender; (2) simplification of law procedure, and (3) the granting of relief to the Deccan Kunbi from the weight of indebtedness under which he is at present being crushed. The inquiries of the Deccan Riots Commission have established that creditors have often been found either forging bonds, or withholding the consideration mentioned in a bond, or obtaining new bonds in satisfaction of old bonds and decrees, while at the same time trying to enforce the latter. It is not a rare occurrence to find them neglecting to give credit for payments made and to refuse to satisfy their debtors, nay, misrepresent their accounts to the Kunbis. On the other hand, debtors have often been charged with tendering false receipts in evidence, making false statements in regard to payments, and not unfrequently pleading that the bonds are false when, as a matter of fact, they are genuine. The Bill seeks to provide against these frauds by requiring that every bond to which a Kunbi is a party, shall be written by, or under the supervision of, the village registrar, appointed for the purpose and shall be executed in his presence and attested by him. The village registrar shall endorse on the bond whether the consideration money was or was not paid before him, and where a bond is renewed, shall put his mark upon the document which the bond supersedes. All this is, we think, very reasonable and fair to both parties. The ryot will know what he is about. He will have no ground to complain of the failure or non-receipt of consideration. It has been urged that the payment of consideration before the registrar will after all be only nominal, and that the debtor will pay back to the creditor the consideration money after he left the Registration office. But in that case the ryot has himself to blame for his folly. The law can obviously lend no further help. The creditor also is, by this registration system, so far secured. The instrument he gets will be one the

validity of which can never be impugned, executed as it will be in the presence of the registrar. The Government of India seems to entertain doubts as to whether village Registrars will be found who can be safely trusted to discharge these duties satisfactorily. For our part we have no misgiving on the subject. We think persons fit for this office will be found without difficulty. And as the village officers will be responsible to the General Registration Department, which will exercise a strict watch over their work, the success of this part of the scheme seems to us to be beyond question. Other safe-guards against frauds provided for in the Bill are, that every agriculturist shall he entitled to obtain a written receipt of the payments made by him, as also a statement of his accounts at the end of every year. He will also receive from the money-lender on application a pass book containing entries of all payments made and received. These will be duly attested by the creditor. Entries made in the pass-book will be deemed equivalent to the granting of receipts. Failure to comply with this requisition will render the sowkar liable to a fine up to Rs. 100. Considering that agriculturists are already acquainted with the practice of obtaining receipts and pass books from Government for revenue instalments paid by them, we do not apprehend the least difficulty in the carrying out of these provisions.

The simplification of procedure aimed at by the Bill consists (1) in the diminition of the local jurisdiction of the present Subordinate Courts by the enlargement of their number from 24 to 36, so as to bring them as near to the ryots' homes as possible; (2) in the enlargement of the powers of these Courts by investing them, not only with the powers of the Small Cause Courts, but with these powers enlarged so as to include mortgage-suits and insolvency proceedings. The question of giving summary jurisdiction to the Civil Courts was warmly debated in the Council. The Honourable Mr. Stokes and the Hon. Mr. Cockerell ques-

tioned the propriety of conferring the extended powers without the right of appeal, and maintained that such extensive powers will leave the Judges in fear of nobody, and mistakes will often arise from incapacity, corruption, laziness, haste, ignorance, and the love of arbitrary power. In simple suits, it is urged, there will be little fear of such mistakes occurring, but mortgage cases involve difficult questions of title, priorities, and the taking of accounts. The investigation of these questions demands considerable experience on the part of the Judges, and no right decision can be arrived at in regard to them without the Courts having the aid of a criticising bar, which the Bill proposes to do away with. A special revising agency will, they say, be no adequate subtitute for a Court of appeal. The special officer will be so much over-whelmed with work that he will simply scamp his duties. The Honorable Mr. Hope replied to these objections that the suggestion of conferring summary jurisdiction had been recommended by the Secretary of State, that the revision scheme combined all the advantage of an appeal Court and something more, in the fact that, whereas the Appeal Court tried such cases only which came before it in appeal, the revising agency would supervise the work done in a large proportion of suits brought before it. Again, as to the expediency suggested of placing mortgage-cases beyond the pale of the revising agency, on account of their intricate character, Mr. Hope contends that as a matter of fact mortgage cases are not very intricate. But granting that they are, the revision Judge and his assistants, being members of the regular Judicial Department in subordination to the High Court, may be expected to do full justice to them. In the course of the examination and revision proceedings, most of the serious abuses and irregularities of law will come to be perceived. 'After all,' says Mr. Hope, 'the would-be appellant is deprived of nothing by the proposed substitution of inspection and revision; for he can draw

attention to his case by petition, when it will be dealt with just as he can have it now on appeal. If the appellate Courts are supposed to be less harsh than the courts of first instance, there is nothing to prevent the revising Judge from showing leniency too. If appellate Courts often confirm decisions on a mere perusal of the record, the special Judge's inspection may have the same effect. On a balance of arguments *pro* and *con*, and having regard to the consideration that the main object of the Bill is to dispense cheap, and speedy justice, and discourage costly and useless litigation, we are of opinion that the procedure contemplated in Mr. Hope's Bill, which displaces the system of appeals by a revising agency, is calculated to carry out the objects which the legislature has in view far more satisfactorily than the cumbrous machinery of the appeal Courts, and that the provision regarding the finality of the decisions even in mortgage cases will not be attended with any failure of justice, or loss to the creditor, seeing that the decisions of the Courts of first instance, who try mortgage suits, have in the great majority of cases been hitherto found to be upheld, and that they are far better situated to deal with facts elicited in evidence than the superior Courts.

The power of making a searching inquiry, and of going behind the bond, and examining item by item, the mode of taking separate accounts of principal and interest, of allowing payments made by the debtor to go first towards payment of the interest charge; of disallowing all compound interest, and giving a wider scope to the principle of the Hindoo law of *dam-dupat*, by which the aggregate amount of interest payable by the debtor shall not exceed the principal,—all these provisions have our approval, with this exception, however, that where the claim is admitted by the defendant and the court sees no reason to doubt the truth of such admissions, it would be a simple waste of the time of the Court as well as of the suitors to go further into

the inquiries. As to payment of ancestral debts, where there are assets left, we concur with the Honorable Mr. Sayyad Ahmed in thinking that the obligation to pay is a matter of natural equity common to the English, Hindoo and Mahamedan law,—one with the solemnity of which the people of this country are thoroughly impressed, and a sense of which is one of the best traits in their character. We would accordingly recommend that the provisions relating to ancestral debt be omitted, as suggested by the Government of India in their letter of the 26th July last. In the execution of decrees passed by the Court, the Civil Procedure has already provided for the exemption of such of the moveables from sale as are absolutely necessary for the debtor and his family. The abolition of arrest and imprisonment for debt is one of those wise provisions of the Bill which we trust the Legislature will, in course of time, extend to other parts of the Presidency, nay, to the whole country. Repudiation of debt will be the last thing a native of India will be generally found guilty of, unless he is driven to it by sheer destitution. The provision restricting the sale of immoveable property under Court decrees seems to us to be the result of the conviction growing on the official mind that it is desirable to prevent the transfer of landed property from the peasantry to the wealthier classes. As a matter of fact such transfers of property to the capitalist class have taken place and will go on in spite of the restrictive provisions of the law. In the North-West Provinces we have the best proof of this. There it is certain the law has not been able to prevent them. But this is a very large question into which we cannot enter here, since much may be said on both sides of it. We shall be content with the simple statement that if the State, in solicitude for the welfare of the agriculturist classes, is jealous of the capitalist classes becoming occupants of the soil, it behoves it to give up the right claimed by it of eviction for default in the pay-

ment of land revenue so far as such eviction is due to the rigidity of its own land system. The Bill provides that no land shall be attached or sold under the decrees of the Courts unless specifically pledged as security for payment of the debt. In ordinary cases the Court, when passing a decree, shall direct the Collector to take possession of the land and manage it for seven years, for the benefit of the decree-holder. After seven years the land will pass to the agriculturist.

The Bill goes beyond the Civil Procedure Code in respect of its insolvency provisions. In case of debts amounting to less than Rs. 50, it gives the Court powers to direct, if satisfied that there is no other claim against the debtor and that the debtor is unable to pay the whole of that sum, that only a portion of it may be paid and that he be discharged from all further liability in respect of the balance. Where there are more claims than one, the procedure in the Bill is much simplified by empowering the Court to appoint a receiver in the person of the Nazir who shall take inventory of the debtor's moveable assets. He shall not, however, sell them by auction but shall get the aid of two assessors to appraise their value, and direct the transfer of them to such of the scheduled creditors as shall be entitled to share in the distribution of the property. The Collector will have to take possession of the immoveable property and manage it for seven years for the benefit of the general body of the creditors. In case of lands specifically pledged, the Collector will either let it rent-free for a premium for a term not exceeding 20 years or sell it as he thinks fit. How far these promisions will work practically remains to be seen. That the insolvency procedure is much simpler than is to be found even in the amended Civil Procedure Code admits of little doubt. We are not, however, surprised at the Hon'ble Messers Stokes, Cockerell and Sayyad Ahmed expressing their disapproval of the clauses relating to

the punitive provisions which obtain in the Civil Procedure Code or the Presidency Insolvency Acts. There is doubtless some force in the objections put forward by them—the principle involved in them being that under the present provisions of the Bill even a dishonest debtor will find it easy to indulge himself in the luxury of white-washing,—a process well known to traders in the Presidency towns. Mr. Hope, however, makes a distinction between the fact of a debtor's insolvency and his conduct as an insolvent. If he should be found dishonest, the Court may hand him over to the Magistrate to deal with that part of the question, but that should not, according to Mr. Hope, prevent the Court from declaring him insolvent so soon as the Court finds that the debtor has not assets to meet all the claims in full. Any how there is a state of insolvency, which admits of no dispute. There is considerable force in this argument, and we think from what we know of the Deccan Ryots generally, that cases will be found to be very rare where the debtors will be shown to have been guilty of concealment of property. Knowing this to be the case, we are inclined to support Mr. Hope. At the same time it must be admitted that where acts of dishonesty are proved, some provision, whereby the protection of the Court may be withheld from them is absolutely called for.

No doubt one direct and immediate effect of these provisions will be to put a stop to the ryots' credit, at all events, on a mere note of hand or a bond. Nor will much credit be given him on the security of land specially pledged, seeing the many obstacles thrown by the Bill in the way of realizing this security. If credit is at all given to the ryot, it will be on some valuable security. Simple credit he will have none whatever. The Bill destroys this altogether. Remembering that "necessity has no law," we think that mortgages, in spite of legal restrictions and legal difficulties, will be on the

increase as they have been in the N. W. Provinces. In this respect the Bill will produce results entirely opposed to its express intentions. The ryot, we say, *will* need money. He *must* pay his assessment to the state punctually. It is this which will drive him to the Sowkar. Finding that he cannot raise money on simple credit, he will have no other recourse left him but to pledge his land. It is the only security that he *can* offer. There is one way of preventing the transfer of land from the ryot to the capitalist and, in our opinion, *only one way*, that is, for Government *to reduce its rates of assessments* in the revised Districts *to the level of the old rates.* Mr. Hope clearly sees this when, at the end of his long and exhaustive speech, he observes :— "If I am asked what I think will probably be the effects of the measure, and how far I expect it to be successful, I must reply, that although I cannot undertake to answer for all the detailed provisions of a Bill which is the outcome of revision at more hands and authorities than one, I think that it cannot but be most beneficial, and that it will, to a great extent, meet the needs of the Deccan, *provided it be supplemented by executive action in the directions already indicated.*" Clearly the executive action indicated here is in the direction of moderating the admitted rigidity and pressure of the revenue system. In the discussions in the Council, too, the unsuitability of the present system and the need of modifying it in a way, which may afford scope for the present legislative measure to work beneficially, was admitted on all hands. We have already alluded to the opinions of the Honorable Sir Robert Egerton, the Lieutenant Governor of the Punjâb, and of His Excellency the Viceroy. Sir Alexander Arbuthnot referred the Council to an extract from the letter addressed by the Government of India to the Government of Bombay, urging that "in view of the very great fall of prices and the vicissitudes of the season in the Deccan during the last

few years, it would be desirable that the present government of Bombay should consider whether the recent (1873-75) revisions of the revenue have given sufficient relief from an assessment which was based, in part, on an unduly high estimate of the normal value of field produce in the Deccan." And further, the Governor-General in Council wished the Government of Bombay to consider whether in these districts, or in parts of them, it would not be wise to have a *varying scale of revenue demand* to be applied in unfavorable seasons, whereby the normal assessment might be reduced by a certain percentage over an entire district, or division of a district, in the event of a failure of rain or other course of serious damage to the crops.* Mr. Rivers Thomson felt satisfied that "the caution necessary at the revision of settlements in the one matter of the enhancement of the land revenue will receive the consideration which the great importance of the subject demands at the hands of the Bombay Government." Even Sir John Strachey, who, while Lieutenant Governor of the North-West Provinces, is known to have shown an unbending attitude in respect of the revenue policy of the State, admitted the necessity of modifying this rigidity. "I cannot doubt," said he, 'that means will be found—although they unfortunately have not been found up to the present—to combine complete and proper security for the recovery of the demand upon the land with some greater leniency to the peasant-proprietors, who, from no fault of their own, but from misfortune of season, cannot meet their engagements to the State. Bombay has now for its Governor a great administrator; if he can

* Since this article was in type, we have seen a scheme put forward by the Hon'ble Mr. H. S. Cunningham in a draft bill to be called "the Fluctuating Assessment Bill," and intended to provide for variations in the collection of land revenue during unfavourable seasons. We say nothing at present in regard to the merits of this scheme, but the fact of such a Bill having been brought forward shows how greatly an arrangement of a fluctuating assessment is needed in the general interests of the state and the ryot.

initiate measures in the direction to which I have now been referring, he will do a greater service to the country than any which this Council can accomplish by this Bill." Thus while the Government of India have, both by the views of their individual members as well as by their united voice echoed in their letter, pressed on the attention of Sir Richard Temple's Government the paramount necessity of considering this question, it is clear that, if through want of action on the part of the local Executive in the directions pointed out, the Bill fails to accomplish its objects, the onus of responsibility of its failure is thrown on the local government. We trust, therefore, that Sir Richard Temple's government will duly respond to the call made upon it. As yet, however, no indications appear of any steps having been proposed to be taken in the directions pointed out. On the contrary, if the letter of April last be any guide, it would seem that no serious plan has yet been matured by the local government whereby relief may be given to the ryots suffering from this cause. Are we to suppose that Sir Richard Temple is temporising? Does the government expect to find that, with the return of favourable seasons, all will be forgotten, and that the ryot will have no cause of complaint left in regard to the pressure of the assessment? In the Deccan matters have really gone too far, and it will require a *succession of good harvests* before the peasantry is able to recover from the depth of its present misery. The normal condition of the country is this. The rainfall is precarious and the yield of soil poor. Mere suspension of government demand will afford no tangible relief. Complete or partial remission of revenue in a year of famine or deficient rainfall and moderate rates of assessment in ordinary years are the remedies that are most needed to avert the dire effects of the scourges. Doubtless the Sowkar and the Civil Courts have had some share in contributing to the ryot's

miseries, but the State has been no less a relentless offender in this respect. The rigidity with which revenue has been collected in these districts during the present year may well excite the commiseration of the most hard-hearted. The government ordered the District Collectors, and the District Collectors ordered the Mamlatdars or native revenue Collectors to collect the revenue as fast as they could, and that if they failed to bring the collections up to the full amount, their conduct would be viewed by government with displeasure. Under such orders even the cooking utensils and the grain-grinding mill stones of the half starving and miserable ryots were sold off by the collecting officers to realize the government demand! When nothing remained in the shape of assets for these officials to collect, the survey holdings of the ryots were put up to auction, and, no bids being found, were bought in on behalf of government for almost nominal sums, such as an anna or two for each number! Unless such a system underwent thorough modifications, one or two good seasons will assuredly do no good.

We have thus given our opinion of the Bill. Its objects are good; but it is not free from the charge of one-sidedness. It discourages private contracts by relieving the peasantry from obligations incurred under those contracts, while it leaves the action of the State as free and rigid as ever before. It will perhaps relieve the peasantry from its present indebtedness, and prevent it from running headlong into debts hereafter. But as to bettering its condition, much will depend on the nature of the alterations in the land system which may be brought about by those who have the destinies of the people committed to their charge.

CURRENT LITERATUER.

Principal Mackay's "Sovereign Princes and Chiefs of Central India" Volume I, is a compilation which shows great research, and it is very elegantly got up. The author's position in the Residency at Indore secured him access to many valuable sources of information which he has utilized with rare success. In regard to its literary merits, we think that, while nothing can exceed the lucidity of the narrative of the Holkars, the author has sadly failed in the descriptive and introductory portions. Where he has attempted to soar high, he has only succeeded in reproducing a page or two of Johnson's Rasselas, high sounding balanced expressions which suggest an idea of want of power and facility in the way of accurate and vivid description. The rest of the introduction is made up chiefly with quotations from the works of Todd, Sir Richard Temple, Dr. Oldham, and the official Gazetteers. The next portion of about 200 pages is devoted to the description of the opium cultivation in Malwa and the way in which the opium revenue is realized, the history of the Thagi and Dacoity Departments, and brief notes regarding the Indore and Sindiah State Railways, the Schools, Hospitals, Military Corps, Telegraph lines, and Roads, under the superintendence of the Central India Agency. In fact by far the bigger half of the book is taken up with this irrelevant matter, which should have been relegated to its proper place in the appendix. As it is, the title of the book is somewhat misleading, so far at least as the first part is concerned, as it is entirely taken up with the details of the Executive Departments attached to the Residency, and has little connection with its political charge as the representative of British power in Central India and controlling the largest

congeries of independent Native States now existing in India. These states, large and small, cover an area of 86000 square miles, and their population, approximately estimated at nearly eight millions, is ruled over by 71 Chiefs, large and small, 4 Marhatas, 7 Mahomedans, 30 Rajapoots, pure and mixed, 6 Brahmins, and the rest Bundelas, Ahirs &ca, besides many Bhumias and Thakurs. There are nine Political Agencies in subordination to the central authority of the Resident. Of these Gwalior, Indore, and Bhopal, being the most important single states, have each a separate Agent. Western Malwa, the two Bhil Agencies, Bundelkhand, Bhagelkhand, and Guna, are the other separate charges.

The first volume in its second part contains an historical and statistical account of the Maharaja Holkar's state of Indore. The territory included in this state covers 8,000, square miles, a is inhabited by about 7½ lacks of people who p to their ruler the large revenue of 50 lacks of r pees a year. Such a large revenue was not co lected by any of the ancestors of the Maharaja, excep ing for a brief period in the first flush of conquest b Malharrao Holkar. The Indore State has mad great progress in material prosperity during the last 25 years that it has been governed by its present ruler. Mr. Mackay gives comparative details of the number of villages, houses, and inhabitants respectively in 1854 and 1878, from which we gather that the number of villages has increased from 2142 to 5373, the number of houses from 125,816 to 188,881, and that of the inhabitants from 5¾ lacks to 7½ lacks. In the times when Sir John Malcolm was Resident, the population of the Indore territory was calculated to be slightly above four lacks. Indore became the capital only so late as 1818, before that time, the chiefs lived in Maheswar. The annals of the Holkar family extend over a period of 150 years. Malwa was committed to Malharrao Holkar's charge by the Peshwas in

1731. From 1731 to nearly the end of the century when Tukoji Holkar died, the history of Malwa presents one uniform tale of peace and contentment and progress. The subsequent period of 40 years is one full of trouble and anarchy, hardly redeemed by the great qualities of Jeshwantrao Holkar, who proved the ruin of the Maratha confederacy. The present Maharaja is closely connected with Jeshwantrao, whose widow Keshiri Bai was chief Ma Saheb when the Maharaja was adopted in 1844. The number of capable women, who have played a great part in the history of the Holkar family, is a most remarkable feature of its annals. Ahilya Bai is of course a household word with the people of India. Tulsa Bai, Keshiri Bai, Bhima Bai who fought at Mehidpore, and others occupy a unique place, and the female body-guard of the Ranis often did memorable service. It is a great public misfortune that under British rule females are not recognised as rightful heirs and successors in native states. The absence of a well-born titled nobility, which has been the great weakness of all the outlying Marhata States, has been remarked upon by Mr. Mackay. In the list of ministers given by him, there are hardly any names except those of the Kibe or Jog family, and the Palsikars, who can be said to have a history of their own. This levelling condition of things has been aggravated by the land settlement and Inam Commission policies which the Maharaja Holkar has too faithfully copied from the example of the British Government in India, thereby depressing, if not ruining, many Rajpoot and Thakur families of ancient lineage, and has screwed up the land tax to a degree which is reported to have turned the whole Province of Malwa into the Maharaja's private farm. Such a high pressure system of revenue cannot endure long when the capable hand that rules the country is withdrawn. The Maharaja is wise enough to see that men like himself are seldom born in the purple, and that

his sons will not be his successors in his great abilities; and, therefore, his first care should be to revive liberal institutions, and so to foster them as to guarantee the great prosperity of his dominions as long as his noble house rules over Malwa. A moderate and permanent settlement of land revenue, a recognised council of ministers in responsible charge of the various departments, an entire separation of the Judicial from the Executive functionaries, and of the State from the Khasgi revenues, the selection of a wise chief Diwan, and trusting him with responsible power; cherishing the growth and prosperity of a titled and, to some extent, independent landed nobility, the restitution to power of village and local authorities,—these are the institutions which must take deep root if the present rate of progress is to be maintained. Otherwise the state will fall back into the old anarchy and disorder from which it suffered under the preceding six rulers from Jaswantrao to Khanderao and from which it has taken the present noble Maharaja so many years to redeem it. We shall here close this our brief review of Mr. Mackay's work. We hope his volume on the memoirs of the Scindia family will be equally full and instructive.

"The Administration Report of the Central India Residency, and of the States connected with it for 1877-78" is remarkable for the even and undisturbed tenour of its uneventful history. The Resident, Sir H. Daly, has contented himself with a few brief remarks which are followed by fuller quotations from the reports of the Subordinate Political Agents. The whole of the Indore Administration report has been embodied in this volume without any remark or suggestive comment. The Bhopal administration report is in the shape of a personal narrative supposed to be written by the Begum herself. Of all the states Bhopal seems to have shown the greatest signs of prosperity. It is prepared to pay a large

sum for a State Railway from Itarsi to Bhopal. It did not suffer as much from the great N. W. Provinces Famine in the early part of the last year as Sindiah's territory, which was regularly invaded by hordes of these famine emigrants, whose numbers baffled even His Highnesse's great effort in the way of relief. H. H, the Maharaja Scindia is deservedly commended for his liberal expenditure on the occasion of this great calamity. There were few or no occasions of direct interference on the part of the Political Agent with the affairs of the larger states. The Residency College of Indore was in a flourishing condition, having on its roll 23 sons of chiefs and nobles. These Residency administration reports used a few years back to derive a considerable interest from the freedom with which Sir H. Daly expressed his views and experiences about the rulers of the Native States. This interesting feature is absent in the present report. We shall not much miss it if Sir H. Daly will insist upon receiving from the Agents and the Chiefs an accurate account of their Financial and Judicial statistics of work done. Indore has in this respect set a noble example, and there is no reason why the other states, big and small, should not be made to follow its foot-steps.

"Modern Imperialism in India."—The most noticeable feature of the last two years of party conflict in England has been the fact that on all the great Indian topics, which have turned up of late, the enlightened opinion of India has found a response in the views of the leaders of the great Liberal party in both Houses of Parliament. The English Liberals strove hard to oppose the enactment of the Royal Titles Bill as a reactionary step, and derogatory to the status of Native Princes. They denounced the imposition of restraints on the Vernacular Press, and on the restricted use of arms. They opposed the Afgan war, and the determination to saddle its expenses on India.

They condemned the abolition of the cotton duties, the levying of the License Tax with its unequal and invidious pressure, and the breach of faith which was committed or was about to be committed with regard to the Famine Insurance Fund, and lastly, they complained loudly of the great delay in the settlement of the Civil Service question. All these subjects were discussed in India, and the Native Press and independent associations found their views coincided with those of the English Liberals on all these points. We do not think such a complete accord can be shown to have existed on any previous occasion. India and its grievances were regarded hitherto by both the English parties as subjects on which they had no differences, and the Conservatives under Lord Derby, Lord Salisbury and Sir Stafford Northcote were, if possible, more favourably inclined towards the interests of this country than the great Liberal leaders. But the agitation of the last two years has effected a complete revulsion. The only way to rouse genuine interest about India in Parliament is to make Indian subjects the rallying cries of party warfare. We must be prepared to suffer some loss in consequence of this party spirit, as the abolition of the cotton duties testifies, but the gain far outwieghs the loss. On no other condition will the political leaders of England care to study India, and interest themselves in its affairs. Sir D. Wedderburn in his lecture before the East India Association has dwelt upon all these native grievances with a sympathy which cannot be mistaken. Mr. Bright in his last great speech on India took the same view. Mr. Gladstone also made a great speech to the same effect in the annual Indian debate. Mr. Fawcett has been unwearied in his generous efforts to press these Indian grievances on the attention of Parliament. In the other House, Lord Northbrook, the late Lord Lawrence, the Duke of Argyle, have worked in the same direction. We regard this accord between the

liberal views of India and England to be a most happy prognostic. The holders of power everywhere are naturally inclined to retain their hold, and prevent the unfranchised classes from rising above a dead level. The English ruling classes in India, and, to some extent, the non-official community also, are the real conservatives in this country, and Native Associations and Press, however insignificant their present power may be, represent the germs of the liberal party in India. The civil fight between the giant and the dwarf, between Goliath and David, has only just commenced. It must last over centuries here as it has has done in other countries. People who lose heart because the blatant representatives of the conservative party in India call them seditious and "spouting Baboos" and Poona "Bramhin intriguers," should remember that foul abuse is one of the recognised weapons of party warfare where other and better arguments are wanting, and that they have reason to thank themselves no worse missiles of fire and blood are used. The struggle must last as we have said through centuries. The longer and harder it lasts, the greater will be the developement of the moral strength and other elements of ultimate success. Of course in such a conflict, the sympathy of the great Liberal leaders in England is to us a tower of strength and a beacon of hope, and it is in this spirit that we are inclined to think India has had more political education of the best kind during the last two years than it had ever before since her connection with England commenced. Sir D. Wedderburn has favourably noticed the protest of the Poona Sarvajanik Sabha in the matter of the Press Act, and we feel thankful to him on that account. It is the sympathy of men like him that we cherish far more than any immediate success as the best reward of all our agitation.

"The Independent Princes and Chiefs of the present day" is the title of a small brochure published

anonymously. From the internal evidence of its confused style, and still more obscured thought, we can guess who the author is, and we must unreservedly express our regret that he has been persuaded of his competence to write upon such a great subject, so far above his element. It was not without great trouble that we could gather what the author's views were. We believe, however, that we understand him to say that the present race of Native Princes are being brought up and nursed in luxury and absolutism, and that they compare unfavourably with their predecessors before British rule. These latter, if Hindus, found that in former times their power was, to some extent, controlled by the Bramhinical classes, and though, among Mahomedans, the union of the kingly and priestly functions in one hand removed this counterpoise, yet there was the fear of rebellion or foreign invasion, or finally of assassination, which kept them within the safe limits of virtue and good rule. The removal of these restraints under British rule has deteriorated the race of Indian Princes, and the writer advises the authorities not to help them, but to leave them alone to their slow destruction. He also thinks that the native states, if they at all knew their best interests, would of their own accord disband their armies, would reduce their taxes, and turn their attention to agriculture and manufactures. This we believe is the general drift of the argument, though it is frequently interrupted by irrelevant digressions from the main theme. We cannot but recognise and respect the sincerity of the author, and sincere advice from whatsoever source it comes should be welcomed by Native Princes. We deny, however, both the truth of the major premiss and the legitimacy of the conclusion drawn by the author from it. The Native Princes at present are, and as we believe, wisely, under greater restraints than they were ever before, and we have reason to believe that the present condition of the Native States of Hyderabad, Indore, Gwaliar and

others we might name, compares favourably with the misrule and extravagance of the past. As regards the question of the native armies, we have already had our say, more than once and it is unnecessary to repeat here what has been fully stated elsewhere.

We may, however, as well take this occasion of stating that the author of the pamphlet, "the forces of native states," (which was reviewed in one of the back numbers of our Journal,) has written a long letter to us in reply to our notice of his pamphlet in which he charges us with not having represented his views properly. We regret want of space prevents us from reproducing his letter, but we may assure the author that we did him no injustice. We stated that, according to the author, treaties are merely the creature of circumstances, and should be changed with every change in the relative importance of the parties making it. He demurres to this being a proper representation of his views, and quotes from his pamphlet to show that the exact words were,—"Could we hold even the most solemn treaties to be ever binding, though the heavens may fall! Treaties are merely the creatures of circumstances, the product of human fallibility, the reflection of a certain state of things of a certain period. These could not be stereotyped for ever, the poor treaties, human work after all." We leave it to our readers to judge whether we have erred in representing the author's views. Treaties we maintain are binding notwithstanding a change of circumstances, unlil they are set aside with mutual consent, otherwise Holland, Belgium, Denmark and Switzerland would be soon effaced out of the map of Europe. The author thinks such consent is not indispensable. We have never yet been schooled in the new international law of Sir James Fitz Stephen, and we therefore cannot be expected to sympathise with the author's "high and elevated patriotism." We are glad, however, that the author is at one with us in thinking that if the British Government wants the surrender

by the native princes of their treaty rights, it should make concessions which will be of sufficient value to reconcile them to the change, and secure their willing and not constrained consent. The only concessions worth having are those which the best Mogal Emperors gave in the height of their power, the abolition of the Residencies, free and active cooperation of the Native Chiefs in the great Councils of the Empire, and trusting them with the great commands of imperial armies and Provinces. As long as the British rulers in India are not prepared to make the slightest advance in the way of these concessions, it is unreasonable to expect that the great Chiefs will be brought to see this matter in the light of "elevated patriotism." Our own solution of the problem has the authority, as we have said above, of a great historical experiment, begun by the best Mogal Emperors, and continued during three centuries down to our own times. The armies of the Rajpoot Princes fought and bled for the Delhi Emperors in the far-off regions of Kandahar and Cabul. In the early years of British conquest, native armies fought along side the British forces. In the mutinies and the late Afgan War, they did the same service on a small scale with unflinching loyalty. Why should this tradition be wantonly disturbed? Why not make it a rule that against all Asiatic enemies, the Paramount Power shall always utilize the services of these native armies, and reserve its own forces for Russian and European warfare? Such a responsibility thrown upon the native states will be cheerfully accepted. It will give them legitimate work and honorable occupation, and the regiments stationed at Morar, Mhow, Secunderabad, and Belgaum may be safely reduced to the great relief of the Empire. The armies of the native states so far from being disbanded should be recognised as the irregular and reserve force of the Empire. This is the patriotic view of the ques-

tion as we understand it. Sir D. Wedderburn, Mr. Gladstone, Mr. Bright, feel the great delicacy of the question, and deprecate wanton interference. No nation can become great and self-supporting, if it is disarmed, and demartialized, and dismantled. In the face of coming conflicts, such a policy is not safe in the highest interests of the British Empire in India. Any phase of native patriotism which soars higher, where Englishmen like Mr. Gladstone and Mr. Bright can not follow, is a spurious and bastard patriotism far above our depths, and we refuse to follow our correspondent in his imaginary Millenium.

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THE QUARTERLY JOURNAL OF THE Poona Sarvajanik Sabha.

Vol. II.] [No. 3.

JANUARY 1880.

UNDER THE AUTHORITY OF THE MANAGING COMMITTEE.

EDITED BY

S. H. CHIPLONKAR.

AGENTS.

London— Messers Trübner &. Co., 57 and 59 Ludgate Hill.
Bombay— Messers Cooper &. Co., Meadows Street.
Culcutta—Baboo Jogesh Chandra Banerjee, Proprietor Canning Library 55 College Street.
Madras— Messers V. J. Manickavaloo Moodelliar &. Co.

POONA:
PUBLISHED AT THE "DNYAN PRAKASH" PRESS.

Price Rs. 1-8-0

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Established for representing the wants and wishes of the inhabitants of the Deccan, being appointed on a popular elective system under rules framed for the purpose.

NAGARKAR'S WADA, NEAR VISHRAMBAG.

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REPRESENTATION ON THE DECCAN AGRICULTURISTS' RELIEF BILL.

No. 90 of 1879.

Sarvajanik Sabha Rooms,
Nagarker's Wada, near Vishrambag.
Poona, 6th *September* 1879.

To,

The Secretary to the Government of India,
Legislative Department.
Simla.

Sir,

We have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit the following observations upon the Deccan Agriculturists' Relief Bill No. 12 of 1879 for the favourable consideration of the Select Committee to whom the Bill was referred for report on the 18th July last and of His Excellency the Viceroy the President and the other members of the Council.

1. The depressed condition of the Deccan Districts, the consequent urgency and importance of the relief measures proposed, the new lines of policy, or rather the restoration of the old native methods, now advocated in striking contrast to the principles which have found favour with the Legislature during the last 20 years and more, the promises of administrative and fiscal reform which have been freely vouchsafed by the Executive authorities as necessary to supplement the usefulness of the legislative relief, all these circumstances invest the measure with paramount claims upon the careful consideration and loyal support of the inhabitants of this part of India. The Sabha gratefully acknowledges the beneficent intentions which have influenced the Legislature in sanctioning the introduction of such a measure, embodying as it does so many of the reforms for which the Sabha has worked and agitated during the last 10 years and which have at last found such general acceptance. From a sense of the great importance of the Bill as affecting vast interests and marking out a most striking departure from the prevailing ideas and methods, the Sabha felt it to be its duty to depute special agents to confer with the leading inhabitants of Nagar, Sholapoor and Satara districts, and ascertain their views and opinions upon the radical changes proposed, and the observations submitted below represent the collective sense of all classes of the population of the affected Deccan Districts.

2. The long period that has elapsed since the Deccan Riots Commissioners' Report was submitted to Government has been of great use in securing a general acceptance of the correctness of the Commissioners' thorough analysis of the causes of the economic disorder from which the Deccan districts have suffered for so many years. Before the Riots Commission's report was submitted, the prevailing sentiments of the causes of the Ryots' indebtedness was that the Ryots were idle spendthrifts and extravagant in their marriage and other expenses, and that the Sowcars were inordinately oppressive and exacted usurious interests. These two solutions were always urged as satisfactorily accounting for the Ryots' misery and helplessness. The Deccan Riots Commission's report for the first time vindicated both classes from these undeserved aspersions. The Kunbee Ryot was found by the Commission to be a simple, well-disposed peasant, contented with hardy fare and scanty clothing. They recognised by the side of his ignorance many masculine qualities in him, and a spirit of stubborn endurance. His recklessness in incurring debts was held to be apparent only and to be really the result of sheer necessity; his extravagance was only occasional, and his improvidence no greater than that of other people in the same low scale of civilization. They held that undue prominence was given to the expenditure attending marriage and other festivals and that this expenditure was not the nucleus of his indebtedness which was due to the smallness of his disposable margin of profits and the constantly recurring debit items of food necessaries and seed and Government assessment. As regards the money-lending classes the Commissioners found that their profits were not extravagant, and that on the whole they were not higher than were warranted by the nature of the business, precarious, unpopular and even dangerous. This exculpation of both these classes by the Deccan Riots Commission has now been endorsed by the Hon'ble Mr. Hope. He expressly justifies special legislation on the ground that the Ryot's depression is not due to inherent moral and physical defects. All representations of him as thriftless, enervated and puny are incorrect. His embarrassed condition is his misfortune rather than his fault, induced by ancestral debts, the burden of the revenue demand and the facilities for extortion allowed by law. The people of this part of India have cause to rejoice for this public vindication of their national character by the highest authorities and their acceptance, though *late* in the day, of the real causes which have conduced to the Ryot's wretchedness.

3. The physical and climatic portions of these causes, represented by a poor soil and precarious rains, are of course not to be removed by human agency, and Government is no way responsible for them. Of the human and preventible causes the Commissioners have recognized two classes of agencies for which Government is more or less responsible, the action of the revenue system and the action of the Civil Courts,

which in different ways had aggravated misfortunes and by threatening to stereotype their degradation brought matters to a crisis. Among the fiscal causes all the Commissioners agreed in finding fault with the rigidity of the rules and the suddenness of the enhancements, while a very strong majority of the Commissioners directly charge the enhanced assessments and the defective working of the Survey system generally as being chiefly responsible for the Ryot's wretchedness. The Bombay Government under Sir P. Wodehouse in their letter to the Government of India forwarding the Commissioners' report ignored this forcible protest of the majority of the independent Commissioners and gave in their adhesion to the views of the minority represented by two of its own servants in the revenue department. While admitting by its acts the force of the considerations urged by the majority, it contented itself with the assurance that the small reductions it had ordered about the close of 1874 in a few Talookas, were quite sufficient, and even negatived the proposal to raise the enhancements gradually, which had the approval of all the Commissioners, and in regard to the objection of rigidity it further added that "it would not be possible to introduce a more elastic system than the present one." This strongly expressed resolution of the Bombay Government thus put an end to all hopes of reform in this direction upon the necessity of which the Commissioners' report insisted so strongly. In the two separate Bills which were introduced into the Local and the Supreme Legislature, the defects of the fiscal system were not admitted, and in introducing the Bombay Bill some of the members of the Council went so far as to give emphatic expression of their approval of the Survey system in the teeth of the evidence, massed together by the Commissioners, in whose report on other points they sought a justification for their legislation. The Sabha has always held strong views oppposed to the favorite official estimates of the success of the Survey settlement. It is, therefore, with grateful satisfaction, that it observes from the official correspondence published recently that the Goverument of India has changed its views. It has given expression to a doubt as to whether the recent revisions undertaken by Mr. Pedder between 1873-75 have given sufficient relief, and has pressed upon the Bombay Government the desirability of introducing changes in the collection and assessment of the revenue which will lighten the pressure at present imposed. Stronger even than this official resolution were some of the admissions made by the Honorable Members, who took part in the discussion of the Bill now under consideration. The Honorable Mr. Hope, who introduced the Bill, admitted candidly that the Revenue system was to a greater or less extent responsible for the indebtedness of the Ryots, and that relief might be given by modifying the mode by which the land revenue is assessed and levied. While denying that the assessments were high, or the enhancements disproportionate, he admittted the desirability of

gradually raising them, of abolishing eviction for default in the payment of assessment, and of changing the periods of the instalments. The Honorable Sir Robert Egerton, however, went further and touched the very heart of the question, when he pointed out that it was scant justice and bad policy for Government, while not abating a jot in its own rigorous methods of levying Government debt from the Ryots, to intervene to the prejudice of private creditors, and he insisted on the necessity of requiring the Bombay Government to lighten its burdens which had the chief hand in driving the Ryot into the hands of the Sowcar The Honorable Sir A. Arbuthnot thereupon gave the assurance that the views of the Government of India were at one with those of the Lieutenant Governor of Panjab on this point. The Honorable Mr. Thomson also emphatically recognised the fact that legislative relief was but a small part of the remedies demanded, and he enlarged upon the heavy responsibility which rests upon the Bombay Government to meet the claims of the case by liberal administrative changes. The Honorable Sir J. Strachey admitted that the assessment, though moderate, still presses with extreme severity in bad seasons upon the Ryots. Lastly H. E. the Viceroy vouchsafed the assurance that the Government of India was in no sense indifferent to the gravity of the case for fiscal reform, and that he expressed his belief that the rigidity of the revenue system does require and admit of relaxation both in the methods of collection and assessment. These assurances have served to re-inspire confidence that the suggestions of the Commissioners in the matter of fiscal reform will be simultaneously carried out together with the proposed legislative changes. The Sabha feels it echoes the general sense of the people on this point when it emphatically states that the proposed reforms will not secure any real relief, unless they are accompanied by a change in the system of revenue settlement. It is a matter of sincere regret that the Local Government holds strong opinions the other way, and nothing but direct and sustained pressure from the Supreme Government will lead it to effect any changes in this direction. On another point also has the delay, which has taken place, been a positive gain. It has served to secure a general recognition that the new limitation laws, as well as the stamp laws, have proved a great hardship second only to the pressure of the revenue system. The action of the Stamp, Court fees, and Limitation Laws has been most injurious to the interests of the Ryots. The Stamp and Court fees Acts were professedly revenue measures. The Limitation Law becomes indirectly a revenue law, in that it arrays the Ryot and the Sowcar in opposition to each other, forces the latter to exact a new bond, or file a suit, and execute his decree every two years to keep it alive. The forced suits and executions were heavy drains on the creditor's resources which he of course sought to recoup by charging the poor debtor. The Commissioners in their report expressed their unanimous view

that the shorter periods of the Limitation Law were oppressive. On this point the local government under Sir P. Wodehouse coincided in their views with the Commissioners, and recommended a return to the law which preceded Act XIV of 1859. It is well known that even this previous limitation was in derogation of the Hindu law which allowed 10 and 20 years of adverse possession to establish a right of property. On this point the government of Bombay was at the time overruled by the Supreme Government, who adhered to the short period of limitation in the revised law they passed on this subject in 1877. The Commissioners had also animadverted upon the heavy scale of duties prescribed by the Stamp and Court fees Acts, making the Courts a source of considerable net profits after defraying their charges. Neither the Bombay nor the Supreme Government were prepared to recommend any modification on this head at the time. Even so late as November 1877 Sir Richard Temple declined to recommend the extension of the limitation, and in the draft of the Bill placed by the Bombay Government in the hands of the Hon'ble Mr. Hope no such provision occurs. The two or three years, that have elapsed since then, have, however, worked a notable and welcome change in the views of the authorities. The Honble Mr. Hope admitted that the Stamp and Court fees and batta seem capable of revision, and the Bombay Government is now prepared to remit entirely, or fix at low rates stamp and court fees in small suits and also to reduce the scale of court fees now levied in Sub-Judges' Court in Small Cause Courts cases. As regards the Limitation Law he has introduced provisions giving wider effect to the popular demands on this subject than even the Commissioners were disposed to recommend. His Excellency the Viceroy went further still and stated that among the fixed principles of the new legislation, to which the Government of India was committed and upon which it would not entertain any compromise, was the proposal to extend the Limitation Law. The Sabha, which has striven hard for this reform for several years past, very gratefully welcomes this change in the attitude of the Government of India on the question of the limitation, and the concession which His Excellency the Viceroy is prepared to make on this point, even at the sacrifice of a considerable stamp revenue, is of the first importance. If accompanied by such administrative and fiscal reforms as will obviate the necessity of driving the Ryot to the Sowcar every year, this extension of the Limitation Law will by itself discourage the litigious spirit, establish better relations between the two classes, and prevent the accumulation of compound interest and court cost, which in too many cases swelled the amount of the principal debt. This reform will by itself reduce 50 per cent. the number of exparte and admitted suits which are brought by the money-lenders with a view solely to keep their claim alive. But in order to make relief in this direction very effective, the Sabha thinks

that the proposed extension of limitation should be made applicable in the case of the execution of the decrees as well, for the necessity at present imposed upon the creditors by the law, of keeping their decrees alive, adds not inconsiderably to the burden of indebted agriculturists.

4. In another direction also under the pressure of instructions issued by the Secretary of State in Council has the Bill given a most beneficent extension to the recommendations of the Commissioners and secured a partial concession to the popular demand for the establishment of peace-promoting tribunals for the settlement of differences which arise between lenders and borrowers in the agricultural districts. We of course allude to the contemplated establishment of village courts and conciliators, reverting to some extent to the system in force under native rule. The Hon'ble Mr. Elphinstone's Report on the territories conquered from the Peishwas gives minute details regarding the native system of administering civil justice. In the country the Patel was the lowest authority. Complaints were first made to him. Thereupon he could send for the defendant. If the latter admitted the debt, he would interfere to settle the mode and time of payment. If the debt were disputed, and he and the Kulkarnee could not effect a settlement, he would assemble with the consent of the parties a Panchayat to inquire into the matter. If the parties demured to the Panchayat, the matter was referred to the Mamledar who had power to compel the parties to submit their differences to a Panchayat. The Panchayat was thus the great instrument in the administration of justice. Of course the Panchayat system had its evils, but there is the Hon'ble Mr. Elphinstone's testimony that the country flourished under this system, and that the people were exempt from some of the evils which exist under our more perfect government, and he thought that for the settlement of the simple disputes of Ryots it was excellently adapted. Mr. Elphinstone continued this system by the side of the Adalat system imported from Bengal till 1827. In the regulations of that year there is a distinct regulation devoted to the Panchayat system. Gradually, however, the pressure of the Adalat system discouraged people in the habit of deciding their own cases, and Panchayats fell into disuse. Latterly during the last five or six years very successful attempts have been spontaneously made to revive the old Panchayats in a way suited to present exigencies. We send up for the information of the Select Committee copies of two memorials which were submitted to H. E. the Viceroy in Council and which will give a fair idea of the working of these Courts, as also a set of replies to questions circulated by the Local Government. It was generally expected that the Bill would have contained more distinct provisions than those contained in Section 15 recognizing private arbitration, and legalized the status of the many voluntary courts now set up in the large towns. As far as can be gathered from the published correspon-

dence, the opposition seems chiefly to come from the Local Government who have expressed a want of confidence in the honesty of purpose of the native gentry. This is not the place to show that this reproach is no way deserved. It is, however, a matter of satisfaction that the Honorable Mr. Hope seems to favour such recognition. He has expressed his regret that the Adalat system shouldered out the arbitration and Panchayat systems. At his instance Mr. Wedderburn of the Bombay Civil Service, Dristict Judge of Ahmednagar, and Mr. Ganesh Wasudeo Joshi, a Member of the Managing Committee of the Sabha framed a set of draft sections which were adopted with slight modifications by a Committee of native gentlemen appointed at a public meeting held in Poona on the 4th May last. We send herewith the draft sections so approved. We hope that the Select Committee will consider the advisability of giving enlarged effect in this direction to the provisions regarding the village courts and conciliators. A conciliator will be nobody's nominee, while a Panch will be elected by both or one of the parties. This guarantee is essentially necessary for the success of such private interference. The conciliator's agency will never be effectively worked till they have a recognised status like that of the old Panchayats or that of similar institutions in the Madras Presidency. In simple disputes the Government must provide the people with the means of procuring justice for themselves, must educate them in the habit of relying upon themselves to settle each other's differences. The system of paid independent Judges works well for a commercial population, and for intricate cases. But for the majority of the Ryot's disputes a self-adjusting machinery like that of Panchayat Courts will be found to be the best to remove all ill-feelings and bitterness and restore mutual confidence.

5. Under the same head may be classed the provisions to increase the number of courts, to simplify the procedure, and increase the powers and the finality of the decisions of the Sub-Judges by investing them with Small Cause Court powers not only in suits at present cognizable by Small Cause Courts, but also in claims arising out of mortgage bonds. The system of having three grades of Courts sitting in appeal one over the other is peculiar to this country under British rule. There is nothing like it in the institutions of European countries. It protracts litigation, involves needless waste of money, time, and talents. It may have had its uses once, and even now there may be some justification to maintain it intact in different land suits, involving large amounts and new questions of contract, partnership and status. It is, however, simply out of place in simple litigation where the issues were simply questions of facts and where cheapness, speed and finalty were the chief objects to be aimed at. We venture to send herewith the second number of the Quarterly Journal of the Sabha in

which a scheme of reorganization of the courts is set out at some length, which we believe will recommend itself to the Select Committee's attention when it comes to discuss these sections.

6. We have thus noticed a few of the points in regard to which the Bill meets with the cordial assent of all classes of the entire population. There are, however, other provisions upon which the consensus of popular opinion is not so harmonious. We refer chiefly to the provisions restricting the rates of interests to what the Courts consider reasonable, abolishing compound interest, restricting further the liability of heirs to pay ancestral debts even in cases where they have succeeded to ancestral property, restricting the liability of land to be sold for unsecured money debts, giving larger effect to the provisions of the insolvency law, and putting off the execution and satisfaction of decrees for long terms of years. The Hindu law allows usurious interest and concedes to the creditors the right of arresting and imprisoning the debtors. The great objection to all such heroic remedial legislation is that instead of improving the Royt's credit, it will diminish it, and as the Ryot owing to scanty and precarious rains and the povery of the soil depends for his subsistence, seeds, and his ability to pay the Government assessment, on the advances he receives from the money-lenders, the effect of these provisions will be that as long as the Ryot's necessities remain unchanged, he will be worse off with these exemptions than without them. In this connection it must be borne in mind that the Government after all is only a creditor of the Ryots like the rest of them. The new Revenue Code lays down that heavy interest shall be charged on revenue instalments not paid in time (148), and that the recovery of the Government annual revenue is a prior charge to all other claims upon the crops of the year (137), and authorizes government to prevent the removal of the crops, or the reaping of them by placing watchmen at the expense of the Ryots (140—141). This remedy is supplemented for past arrears by further powers to evict the Ryot from his land, by forfeiting his interest in the same, by distraint and sale of his moveable property, by sale of his other immoveable property, and by his personal arrest and imprisonment (150). During the last two years more lands have been sold and sold for nominal prices for arrears of revenue demand than were sold in execution of civil decrees in these affected districts, and more distress warrants and notices were issued than even the warrants of the Civil Courts. The Government is not prepared to relax its firm hold upon the Ryots in any way. As long as this pressure is so rigorous, it will appear very hard that the only way by which Ryots can meet their claims by dealing with the money-lenders should be clogged with provisions which will not fail to embarrass the Ryot. We freely admit that the changes proposed are in the direction of liberty and are in themselves salutary, but as long as

Government is not prepared* to abolish its heavy interest, evictions, and distraints, and imprisonment for its own debt, it can not fairly call upon the private creditors to give up their guarantees in the Ryot's favour. As it is, this one-sided action will not fail to jeopardize the security and punctual payment of the land revenue. We press this consideration upon the attention of the legislature in the firm hope that steps will be taken before sanctioning such exceptional legislation to secure guarantees that they will not make the Ryot's condition worse than before.

7. There are some other provisions, innovations upon the existing law to which the only objection that can be urged, is that they have been conceived in misapprehension of the real circumstances, and that they will be found impracticable or meaningless. We refer to the provision regarding the Defendant's compulsory attendance whether he has a defence to make or not, the provisions requiring courts to create defences for him even when he admits the claim, requiring in all cases the Judges to go behind the bonds, abolishing the attendance of pleaders in cases below Rs. 100, authorizing the Collector to farm the lands and pay out of the profits themselves the creditors' claims after allowing sufficient maintenance to the debtor and his family. The provisions in the Civil Procedure Code upon all these heads represent the outcome of the mature and accumulated experience and common sense of all countries, and should not be lightly departed from. No justification has been put forth for the innovation regarding the compulsory attendance of the Defendant. The Commissioners in their report have not recommended it. They admit the force of the consideration that in the great majority of cases Defendants do not appear because they have no defence to make. The proper remedy for the evil is to bring the courts nearer home by multiplying them and requiring them to go on circuit. When this is done, Government can well claim to have done all in its power to remove the source of this grievance. Requring the compulsory attendance of Defendants will only oppress and annoy them without benefiting the administration of justice. The same consideration holds good in regard to the provision requiring courts to go behind the bonds, even when Defendants admit the claim. It is not true that all creditors and money-lenders possess books, or keep in their possession the

* "The sale of land under revenue processes or decrees of the civil courts equally involves the principle of responsibility of landed property for debt; but land may be held to be constructively hypothecated for the revenue with which it is assessed; and on this account the public creditor may claim a preference over private creditors. Further than this a distinction in favour of the public creditor cannot fairly be drawn; and those who object to the sale of land under judicial decrees cannot consistently advocate the sale of land for revenue arrears. The prohibition of sales of the former kind will, moreover, appear to be futile, unless sales of the latter kind be also prohibited."—Extract from the Hon'ble Mr. Pearson's minute.

old bonds which are returned when new ones are executed. It is, therefore, simply impossible in most cases for the court to go behind the bond when Defendants admit the claim. The provision will needlessly prolong litigation and in the hands of inexperienced Judges will often lead to a denial of justice. The provision regarding the exclusion of pleaders is conceived in the same spirit. The more ignorant the Defendant, the greater is the need that he should be assisted by a pleader for thoroughly drawing out all his true statements and putting them properly. Requiring Plantiffs to appear in person in all cases will also needlessly embarrass business transactions of a large number of creditors. Lastly the lands in dispute belonging to a pauper Defendant are frequently small plots out of which no management by third parties can even make any profit. It is only large estates which can pay under such management. The Sabha feels assured that all these provisions will in practice never work, without seriously clogging and prolonging petty litigation to the great vexation and loss of both parties.

8. The provisions regarding village registration and requiring creditors to issue pass books and give receipts and accounts to the debtors are very important safe-guards as constituting predetermined contemporary evidence of transactions. It is to be feared, however, that they will necessitate the employment of a larger number of Koolkarnees than are to be found at present. In many cases, the money-lenders are themselves ignorant unlettered people. Koolkarnees or village registrars are not always at hand in petty villages for two or more of which in many cases there is only one such officer. Unless their numbers are multiplied, which is not an easy affair, it, will be hard if all money-lenders are required to issue receipts and pass books. It appears to the Sabha that the best way to meet the difficulty on this head will be on the analogy of Pawn-brokers' Acts to require licenses to be taken out by those who wish to follow the business of money lending. If this plan were adopted, it might be possible to ensure the condition of keeping account books and giving debtors pass books and receipts. A small fee levied for this license will enable government to increase the class of village registrars who might be paid therefrom, and thus the expense of registering the instruments and of making copies for the use of the debtors, which otherwise would be considerable if the work was entrusted to the Registration Department, might be saved. We submit this suggestion with great deference for the consideration of the Select Committee.

9. We have thus passed in review all the more important provisions of the Bill. The Sabha trusts that in the Select Committee, while the great principles of the Bill will be retained, the minor innovations which we have noted above, will be so regulated as to bring the measure more in conformity with the general law, so that if after the experience of a few years the Bill is found to work well in the Deccan Districts,

it might be extended to other parts of the Presidency and generally throughout India.

10. After these general remarks we shall now proceed to suggest minor alterations and amendments in the detailed sections of the Bill and hope that they will meet with the approval of the Select Committee.

Section 1.—We think that as the measure is admittedly an experimental one and affects vested interests retrospectively to such an extent, it will be more safe, if instead of extending it to all the four districts it were first made applicable to those particular portions of the said districts where the distress has been most felt. In the large cities of Poona, Sholapoor Satara, and Nagar there are a class of agriculturists who will come technically within the scope of the Bill, but whose prosperous condition requires no protection. There are also large Talookas such as Junnar in the Poona District, Barsi in the Sholapoor District, Karar, Ashte and Wai in the Sattara District and the Newase and the Kopergam Talookas of the Nagar District which stand in a different category from the eight Talookas noticed in the Commissioners' report or from those other where the condition of the people is extremely wretched. At the same time we think that outside the four districts, in parts of Khandesh and Nasik there are many Talookas which stand in need of protection. The whole of this difficulty will be removed by leaving it to the local executive authorities to select, according to the information available to them, such of the Talookas in the Deccan Districts as they think are in great distress. A permissive section like this, such as is found in the draft submitted by the Bombay Government, will meet all the necessities of the case.

Section 2.—We think a maximum limit should be fixed above which an agriculturist should cease to be specially protected. All who pay assessment or rent of Rs. 100 or under would be, as we think, a safe limit. There have been instances and there will be many where Deshmookhs, Inamdars, and others holding large possessions in lands and houses have sought to avail themselves of this protection. The protective law is certainly not intended for such as they. The class of agricultural labourers should be also protected by enlarging the definition.

Further we think the word "principally" should be followed by an explanation fixing proportion such as that if 75 percent of a man's income is derived from land, he should be held to be living principally on the produce of land and as such falling under the definition of an agriculturist. Such an explanation is the more necessary because the decision of the Sub-Judge's Court on this point is made final by section 74.

Section 3.—No provision appears to be made regarding suits above Rs. 500. All suits above this amount will be heard by the Sub-Judges under the regular jurisdiction. To avoid ambiguity this should be expressly cleared up. Clause B. appears to be rather vaguely worded Small Cause Court suits above Rs. 50 in value are not heard by second class Sub-Judges. This ambiguity might be avoided by substituting "suits cognizible" in place of "suits heard."

Section 8.—We think this section embodies an innovation, which in this Presidency at least might well be made the rule for the service of summons in all cases. At present little or no use is made of the village officers in securing the service of summons on defendants.

Section 9.—We have already noticed the hardship a literal enforcement of this section will impose upon the defendants without any corresponding benefit. We think with the facilities proposed to be now provided, if Defendants after due service do not appear, exparte decisions should be allowed. It will be quite sufficient if all substitutive service be abolished. If the defendant is personally served, and does not appear, it should be taken as a confession of judgment. The analogy in such cases is that of License Tax, Municipal House and other assessments. If after service of notice parties do not appear, nothing can be gained by forcing their attendance.

Section 11.—As suits under Rs. 10 may have to be disposed of by village Patels under section 36, we think it will be safe to keep up the requirement of a memorandum in writing of the proceedings where witnesses are examined.

Section 12.—We have already noticed this section in the general remarks. Unless money-lenders are required to keep books, the imposition of this condition of going behind the bond and ascertaining its history will work as a denial of justice in many cases. All the smaller money-lenders keep no books and, frequently being themselves illiterate, can keep none. This provision requires modification to suit the actual condition and capabilities of the money-lenders.

Sections 13. 14.—These sections virtually enact a usury law. If it is advisable to impose restriction on the rate of interest, or on the arrangements about creditors' profits the safer course will be to lay down in the body of the Act that in no case 12 percent interest shall be exceeded and the profits shall always be accounted for. Leaving these questions to the discretion of the Courts will unsettle all contracts and calculations of the parties. Rates of interest differ with the risks of trade and the solvency or otherwise of the particular individuals. Modes of crediting profits also differ with the productive capabilities of lands. The Courts will not have all the elements necessary to appraise properly the paying capacity of the defendants or of their lands, and this power cannot be safely entrusted to them. If some fixed

rules were laid down, they would be of use as guides to the lenders and borrowers to regulate their transactions by. The other details of account taking correspond with the rules now observed and will be found to work well in practice.

Section 15.—If arbitrators are appointed without the consent of the parties, they are in effect commissioners of the Court, and as such the power of giving final judgment should not be left with them. It should be exercised by the court upon the evidence of their report and valuation. The advantage of giving a larger and recognized status to private arbitrators has been pointed out in the general remarks.

Section 16.—This section restores to a great extent the Hindu law. We think, however, that in all casas where available amounts have been received, the liability to pay the principal sum should go with it, whether the sons or heirs accept it or not. The protection sought to be conferred on sons and grandsons should be enlarged so as to embrace not only lineal but also collateral heirs both in the ascending and descending lines. The definition will need enlargement to accomplish this object.

Section 20.—The power of giving a complete discharge from debts below Rs. 50 should be fenced round with certain additional stipulations. The Court's impression about the debtor's inability must of course be formed upon some evidence. To save obvious misunderstanding it will be necessary to state that the Court's order of discharge should not be made without notice to the creditor to show cause why the debtor should not be at once discharged from all liabilities without all the formalities of an insolvency inquiry.

Section 21.—This section is an improvement upon the corresponding provisions of the Civil Procedure Code. Frequently in exparte judgments the defendant finds too late that he cannot obtain instalments. This is a real hardship which will be removed under the Bill.

Section 22.—We have noticed this section in the body of our general remarks. We are opinion that this is a salutary change. The power of arrest is frequently abused, but at the same time we submit that as long as it is retained in the interest of Government land revenue, it would be hard, if it were taken away altogether for the protection of private debts. We submit that arrest and imprisonment should be abolished all round, whether the debt be due to private creditors or to Government.

Section 23.—The remarks made above apply with still greater force to section 23. Government has the right to attach the crops and to prevent their removal or reaping, a right it frequently exercises in supercession of all other claims, and yet it retains the full right of selling the Ryot's occupancy and evicting him and selling his moveable and immoveable property. While it guards its own right thus jealously,

this section proposes to exempt lands from all liability for sale on account of private debt. We are not opposed to the change. On the other hand we think it a salutary principle to exempt the Ryot's houses and cattle and wearing apparel and instruments of trade and agriculture from attachment. But if these exemptions are to be carried still further, and the lands and the persons of the debtors are to be exempted also, it follows that the creditor has no security for his debts but the crops, which cannot be removed or reaped till the assessment is paid. We propose that when so many concessions are required from private creditors, it would be but just if the Government confined itself to its hold on the crops, and exempted the Ryot's land from sale and eviction on account of default in the payment of revenue. Otherwise these provisions will work injustice and will destroy the Ryot's credit and injuriously affect, if not altogether destroy, his ability to pay the assessment in bad years.

Sections 25—35. The sections relate to the enlarged provisions of the special insolvency law. Insolvency as an institution is not known to the Hindu law, and is not favoured by public opinion or ancient custom. But the condition of the times has so altered that we are diposed to recognise the extension proposed as a change in the right direction to a great extent and an improvement upon the existing law. We refer especially to Sec. 26, 27, 29 33. As regards Section 30 there was much discussion in the Council. We regard the provision as salutary. Forced sales of property under all circumstances prove very ruinous to the debtor classes. We would only recommend that the assessors who are to appraise the property should not be appointed by the Court. They should be chosen by the parties in equal numbers. If they cannot agree, the Court's officer should strike a medium rate. The transfer of the estate to the creditor's place, if it requires any expenditure, should be made at defendant's cost.

Section 31.—We fear this section will be found utterly unworkable in practice. The Collector will be able to make nothing of the small plots of land belonging to debtors, and it is certain that there will be no margin left for creditors from the yield of these lands after allowing enough to maintain the debtor and his family.

Section 32.—The provision about obtaining premium will also not be practicable in the case of these small properties, whose produce barely supplies to pay the wages of those who labour on them and leaves no margin for profits. If a debtor, moreover, is to be out of possession of his land for 20 years, he may as well be ousted at once by an immediate sale. Twenty years mean a whole generation, and the land will never return back to the same hands under this provision.

Section 35.—This section also formed the subject of debate in the Council. We think it is not an improvement upon the corresponding provision of the Civil Procedure Code. When the exemptions are so

liberal, their abuse should be punished with some severity. Of course laying down maximum terms does not in any way prevent Courts from exercising the discretion and awarding smaller punishments when the individual circumstances of the case require leniency.

Section 36.—As regards this section, we have already expressed our views in the body of the general remarks. The Local Government does not appear to be very favourably disposed to this experiment from want of confidence in the class. It will be necessary to lay down in Sec. 39 positive instructions requiring that all Patels, who are able to read and write and who receive a *Mushahara* above a certain minimum, should be authorized to act as village Munsiffs under this section, if not otherwise morally or physically disqualified.

Section 40.—The same observation holds good regarding conciliators. The Local Government has expressed its want of confidence in the integrity of the native gentry in the mofussil and will not be disposed to give free play to this experiment. If the experiment is to be really tried, free scope should be given to the wishes of the legislature on this head. Conciliators so chosen will, however, never be able to command and inspire confidence or otherwise discharge function of their office so effectively as if they were chosen out of lists framed by Government by parties themselves. This is the proposition submitted in the draft Panchayat sections The Panches, being in the first instance nominated by Government with the concurrence of the people, would have all the qualifications necessary for the office. Their subsequent selection by the parties would make them more effective conciliators than those which the Bill seeks to secure under section 40.

Sections 42—47. The sections correspond and anticipate the similar provisions in the draft, and will need but little alteration. Section 46. directs the Courts to file all agreements arrived at before conciliators. It will be safer to follow the provisions of Section 525 of the Civil Procedure Code as suggested in the draft sections.

Sections 48—49. It will be necessary to lay down a fixed period of time within which the conciliator should be compelled to give the certificate. Otherwise it may frequently happen that the Plaintiff will find his claim barred by limitation owing to the delays in the investigation before the conciliator.

Section 50.—This section contemplates certain charges to be paid to conciliators. We deprecate this provision. Conciliators should be chosen who will look upon their work as a matter of civil duty like the jurors and assessors. The draft sections require the arbitrators or Panches to work without fee. This principle should be strictly respected.

Section 51.—We do not see that except in the first instance to set the experiment fairly on foot there will be any occasion left for the appointment of a special Judge and assistants. The District Judges and Assistant Judges will be fully able to take up this work as the

civil appeals will diminish beyond even the low figure they have already reached. The creation of a special Judge and Assistant Judges will lead to a division of responsibility and conflict of jurisdiction and will involve additional expense.

Section 54.—As regards the power of revision we think that this authority should be vested in the District Judges and Assistant Judges, not in substitution of the right of appeal (section 73) but in addition to it. The right of appeal in cases where appeals are now allowed, should remain uninterfered with. There will be many cases which will escape attention in revision and for which a single appeal will be a great security.

Section 55.—We have noticed this section in the body of our remarks. The number of village registrars will have to be greatly multiplied above that of the revenue Kulkarnees, if these sections are to be worked effectively and without hardship.

Sections 57—58.—Great care will have to be taken to keep down the scale of the fees contemplated by this section. Otherwise they would be very inconvenient charges upon the poor resources of the debtors. If the present rules of the Registration Department are followed, they will press very heavily, seeing that bonds for small amounts are generally as long as those for large ones, and that the Bill requires copies to be made so as to give one to every debtor and surety besides the registration of the original instrument. The charges will be thus multiplied both absolutely and relatively unless they are kept down by law.

Section 64.—We have noticed this section in the substance of our remarks. The illiterate character of most Plaintiffs and the absence of account books have been noticed above. To expect such people to make up accurate statements of accounts and to issue pass books is to require an impossibility. The only way out of the difficulty is to license the trade of money-lending, in the way we have suggested above.

Section 67.—The section lays down a very heavy penalty which cannot fail to work great injustice in many cases. Moreover it omits to specify the class of officers who are to award the punishment. It will be a considerable safe-guard, if the word "fraudulently" be inserted before "refuses or neglects" in the third line.

Sections 68,—69.—While the express exclusion of Vakeels and Pleaders in cases heard by village munsiffs and conciliators is a wise provision, we do not think any useful end is served by their total exclusion from Sub-Judges' Courts in suits below Rs. 100 in amount. The Plaintiffs who have large transactions, cannot afford to be present every day in one or more Courts, and the Vakeel in such cases acts the part of a well-informed agent.

Section 72.—The proposed extension of the limitation has been noticed above by us as a most salutary reform which alone will go a great way to prevent a great deal of the litigation which so unfavourably affects the interests of the agriculturist. The proposed extension of limitation should be made applicable in the case of the execution of decrees also, that the relief may be thorough and effective. The same arguments that hold good in case of the extension of limitation in the case of bonds, hold good in the other case also.

We have the honour to be,
Sir,
Your most obedient servants,
SHIVARAM HARI SATHE,
Secretary of the Poona Sarvajanik Sabha
S. H. CHIPLONKAR,
Honorary Secretary of the
Poona Sarvajanik Sabha.

A CONSTITUTION FOR NATIVE STATES.

Now that within a few years more many of the Native States, at present under British management on account of the minority or incapacity of their ruling Chiefs, will have to be restored back to native rule, it becomes a question of the first importance to inquire whether adequate advantage has been taken of these interim administrations to put the governing machinery in the right order, so as to ensure it as far as possible from being mismanaged and destroyed by the personal caprices and vices of the rulers. Commencing with Punjab, we find Pattiala and Kapurthulla, Nabha and Bhawalpur, Cutch and Baroda, the Kattiawar States of Wadvan, Morwe, Limri, Rajkote, Bhownagar, the Central India States of Dewas, Rutlam and Tonk, Kotah, Ulwar and Jodhpur, lower down the Chiefs of Kolapoor, Sawantwadi, Janjira, Ramdoorg, Sawnoor, the Meeraj States, the Itchalkaranji, Bowda, Jat, Mudhol and Akalkote Jahgirdars, the great state of Hydrabad, and in the south, of Mysore, are at present, or were till very lately, under British management; and in several of these states, the native rulers will shortly be installed in power. Mysore will be transferred entirely into native hands next year. Bhawalpur, Dewas and Rutlam will be restored to their native rulers this year, while Ulwar, Kotah, Bhawnagar, and Rajkote, have already been restored to their Chiefs during the last year or two, and in all the other states their minorities must cease within the next five or ten years at the most, unless of course, as has happened in several cases, notably at Sawantwadi and Kolapoor, the minors die or become incapable of self-control before their minority ceases.

Througout all this vast territory, a great experiment is being made to ensure the training up of the Chiefs in those qualifications which their British guardians regard as essential to make them cultivated and polished gentlemen. But we think no amount of mere personal accomplishments in the young rulers will cure the defect of the system of absolute rule which prevails everywhere, and the temptations of which prove in too many cases so overpowering as to wash off the varnish of education in a few years, and leave the state none the better, often much the worse, for the care taken of its Chief during the minority. Our own impression is that at least as much, if not more, care should be bestowed upon the training of the state and the people in the arts and habits of expecting and securing responsible rule and well-ordered power, as is now lavished upon the education of the Princes, and in teaching them good manners. With the standing example of the British Government before them, no attempt worth mention has ever been made by any native Prince to limit the exercise of his own power by constitutional regulations, and the recognition of subordinated authorities. Even the efforts of men like Sir Dinkar Rao, Sir Salar Jung, and Sir T. Madhavrao are directed to keep the machine going in the old groove and present brilliant statistical results and a heavy cash balance. The personal character of the administration is no whit altered, and no steps are taken to ensure a succession of Sir Salar Jungs or Sir T. Madhavraos and Sir Dinkar Raos. It is no wonder that, under these circumstances, there is no earthly guarantee that the varnish of reform will stick to the state edifice after they are removed from power, and the chances are that, by a spirit of reaction, a Chandulal, or a Nana Saheb Khanwilkar, or a Bhau Sindia will undo in a year all the good accomplished by his predecessor in a life-time. We think the times demand that this uncertainty should cease, and the weal and woe of native states placed on a surer footing than the

shifting sands of the personal caprices of their rulers. The subject deserves the best consideration of the British authorities, and of the great native Rulers and Ministers, and the few suggestions we venture to urge upon their attention will not, we hope, be without their use if they lead them to take them into their anxious deliberation.

At the threshold of all discussions regarding the advisability of providing a constitution for Native States, there are a number of popular prejudices and misapprehensions which dispose men to regard it as a dreamy Utopia, and not worthy of any practical claim upon their consideration. It is urged that Paper Constitutions, without the sanction of fear to back them up, will not do any good in India, any more than in other countries. A real work-a-day constitution supposes a back-ground of power in the subjects to enforce its provisions on the part of their unwilling rulers, if need be, by their deposition, and it is asked with some incredulity, where is the power in India, where are the habits and the public feeling which alone can awe a mischievously inclined ruler, and stop him in the race of vice and cruel exactions. We grant that the traditions of centuries of absolutism have removed many of the ancient landmarks of a recognized distribution of power, and of a sense of responsibility for the proper exercise of it on the part of the rulers, and that the subjects of a native state cannot be expected or trusted to enforce the observance of any set of rules or reformed institutions which may be set up in the interest of good rule. Fortunately, however, this legitimate function of the people can in India be usefully discharged by the Paramount Authority, whose representative already wields great power, and has generally the good sense requisite to make him a useful control, and this fear will be efficient as a sanction till the more genuine home growth of native public opinion learns to respect itself, and enforce obedience. Even as matters stand at present, the Para-

mount Power exerts its authority when moved to do so by the subjects of native states, often to the length of deposing the incapable rulers. Akalkote and Jat on a small scale, and the State of Baroda on a large scale, recently furnished illustrative examples of such interference of the Paramount Power to the prejudice of the ruling chiefs on the motion of their subjects. We cannot be charged, therefore, with expecting impossibilities if we seek to regulate this same ill-regulated control, and give it a place in the constitution. Before a chief is restored to power, he should be required to take along with his implied oath of allegiance to the Paramount Power, a pledge to respect the constitution in its principal features. Any grievous and long-continued departure from this pledge should, upon the representation of the subjects, be visited after warning by the Viceroy and local Governors representing the Paramount Power with the penalty of deprivation under circumstances in which in a free state, public opinion would have sanctioned and enforced deposition. If the Chiefs once knew well the fatal consequences attendant upon the ill-regulated use of their power, and knew the points of the great Charter which they may not contravene, the mere dread of evil will obviate the necessity of the enforcement of the penalty. At present the Chiefs know, or think they know, that if they are loyal, and stand well with the British Agents, they are secure from harm, unless in very extreme cases of misrule. This impunity should cease, and there should be an intelligent understanding that the rulers enjoy their prerogative for the benefit of their subjects only. So far then as the necessity of a sanction is concerned, we think we have shown that there is no reason to apprehend that the scheme of a native constitution will fail for want of one.

Another misapprehension must also be corrected at this stage. It is urged with some plausible show of reason that the British Government in India

is itself an embodiment of absolute power, and so long as there is no constitution for British India, it is absurd to expect that the Native Princes will be disposed to make any such concessions to their own subjects. Our reply to this allegation is that it is not true. However arbitrary at times the British rulers of India may be, it cannot be said that there is no constitution for British India. On the other hand, it is the fact and the sense of its existence, and the training it gives to the nation, that we regard as a compensation sufficient to reconcile us to the loss of independence. The Government of India, both in India and in England, is a constitutional machine, its very aberrations and occasional lapses into absolutism are illustrations of its constitutional restraints. Who among the 200 millions of Her Majesty's subjects in British India knows or cares to know the personal character of its Viceroy or Governor, or for the matter of that, of the Collector or the Judge for the time being of his province? The individual perishes, the type remains, all the personal and changing elements are lost in the firmness of the system which guards against the defects of arbitrary rule. This, we believe, is the principal characterestic of a constitutionally governed country. We do indeed at times, between ourselves and our rulers, raise a hue and cry when the Legislature passes all of a sudden any measure like the Vernacular Press Censorship Act, or when the Viceroy overrules the opposition of his Council, as when he remitted the cotton duties. But at the bottom of this outcry, there is a sense that these things are unusual by contrast with, and judged by the standard of, the ordinary constitutional procedure of the government. The thorough and minute regulation and distribution of power between the higher and lower authorities in India and in England, the institution of Councils and Boards and Corporations for deliberative purposes, the separation of the Civil and Military, of the executive and judicial depart-

ments, the necessity of legislative sanction for new taxes and new laws, the independence of the Judges, the free right of petition, the toleration of all manner of opinions, and the free expression of them within the limits of loyalty, the regular publication of state accounts, the equality before the law of all classes of subjects, the careful testing of qualifications for service in all branches, the settlement of the land and other revenues on fixed rules, and the every day increasing incorporation and association of the people in legislation, in the administration of justice, and in the management of local affairs,—these are all so many elements of our constitution which we prize as the very breath of the new life that the nation is breathing and lisping to learn. We cannot of course expect the representatives of the Paramount Power in native courts to enforce obedience to any more liberal constitution than what obtains in British India, but for a century or two more the native states have work carved out enough to employ all their spare energies in copying the British Indian examplar with such obvious modifications as will suggest of themselves. The same set of rules and charters will not of course do for all states alike. There are the treaty states with large revenues and extensive territories and many millions of subjects over whom they have the power of life and death, and there are the smaller and bigger Jahgirdars and Thakoors with restricted powers and revenues. The same distribution of power and responsibility, which may be of use in the treaty states, will be labour lost in the case of the smaller states. While, therefore, taking care not to indulge in the dreamy excesses of republics of the 'mad' patriot's type, the native states must endeavour to keep the principal elements of their constitution on a level with the privileges and status of British India, and at the same time in keeping with our own best national traditions, for a too great divergence from these last will have an alien stamp impressed upon the projected reforms,

and deprive them of the sympathy and support of the Chiefs, Sirdars, and people, whose training and self-education in the habits of well-ordered rule is the great point to be secured.

Having thus cleared the subject from the confusion caused by these preliminary prejudices and misconceptions, we may now fairly expect our readers to follow us in the detailed suggestions we wish to offer, not so much as a final solution of the intricate problem, but by way of a feeler to provoke a fuller deliberation of it. The first principle of our draft constitution, and the regulating power of all the other reforms, is the nomination of a responsible minister in all the larger native states. We believe that this reform lies at the bottom of all possibility of future improvement. Our own proposal is that each of the greater chiefs should be required to nominate a responsible Minister, Divan, Karbhari, Naib, or Deputy ruler. Such nomination must be made subject to the approval of the representative of the British power, and once nominated, he should only be removed for clearly proved incapacity, disloyalty, crime, or misdemeanour proved to the satisfaction of both the Chief and the British Agent. His tenure of power should not be dependent upon the changing caprices of the Chief, or on the equally shifting temper of the British Agent. We have been thus particular in defining these conditions, because they must be taken as a whole if the reform we propose is to be thoroughly appreciated. Of course, as a matter of fact, no chief governs without a minister, and no minister can long continue in power who is disliked by the British Agent. But it is a matter of history that many chiefs have in an evil hour been advised by British Agents that they were supreme rulers within their own territories, and might at their pleasure dispense with the services of their responsible ministers, and manage their kingdoms themselves or through dummies of their choice. Such a permission accorded to the Baroda ruler in Maharaja Khanderao's

time enabled him to displace a veteran Divan like Govindrao Rode, and put in his place a man like Bhao Sindia. We trace the remote cause of all the misfortunes of Baroda to this source. In earlier history, the same unfortunate absence of responsible Ministers at the Indore Court led to the mis-rule and anarchy which preceded the time of His Highness the present Maharaja's accession to power. The confusion at Gwalior on the death of Doulatrao Scindia was traceable to the same source. The British Government wanted the Darbar to get rid of Dada Saheb Khasgiwale, and the refusal to do so led to the troubles of 1842-3. At Hyderabad, before Sir Salar Jung came into power, the same indulgence of the whims of the ruling Chief led to the supercession of a capable Minister by Chandulal, the Peishcar, and lost the Berars to Hyderabad. In Mysore again, the death of Poorneah left the Chief set up by General Wellesley without the help of a councillor, and he became soon involved in troubles. The troubles in Sangli on our own side are directly traceable to the same misfortune. It will be thus seen that the idea of the Chief being able by himself to look to his own affairs is at the bottom of much mischief, and that these evils will never be cured, and a succession of wise and responsible advisers secured, till the minister's position is well assured. No Minister worth having will volunteer his services unless his position and his tenure of power are well guaranteed. The Chief, the Minister, and the Political Agent, are thus the corner-stones of our proposed constitution. At present this triple authority does not exist. The Chief or the Political Agent is all in all, and thus there is no balance of power, and the uncertainties of personal rule are in no way diminished. We cannot ensure a lineal succession of able chiefs, but we can very well secure the selection of respectable men as Ministers, and the only way to ensure a careful selection that occurs to us is to leave the power of nomination to the native

Chief, and the power of approval to the British Agent, and after such nomination and approval, to make the minister's position certain beyond all caprice. The present subservient race of men of straw and no position, who rise to be ministers by pandering to their Prince's worst tastes and vices, and by standing well with the Political Agent by anticipating his whims, must give way to a better class of people. The latent force of unrecognized necessity has brought to the front men of first rate talent in all the great native states, and we wish it were made a rule that this most desirable state of things should be made the rule everywhere and guaranteed against all mischances.

Having secured a Minister, the next question is how to secure a proper distribution of authority between him and the Chief, so as to preserve and increase the dignity of the one and the usefulness of the other. This brings us to the second great principle of our draft constitution. In all the large states, we wish to see it established that the Chief in state matters shall only exercise power by way of regular appeal from the order of his Minister or Diwan and not otherwise. There should be no interference with the minister's exercise of delegated power till his order is passed, and any one of the parties affected by it appeals to the Chief. At present, the minister is either all-powerful, and virtually supersedes the Prince, or he is only a Secretary affixing his signature to the dictates of the unacknowledged ministers in the back ground who govern the Prince. There is nothing revolutionary in our proposal. What we propose is only this that the education which the subjects of a native state receive during the temporary administration of a British officer should be confirmed by the continuance of the same order of things when the Chief succeeds to power. In this way, and in this way alone can the subordinate independence of the minister and his sense of responsibility be maintained.

In all the larger states, a Council of superior officers, consisting of the heads of all the different departments, assisted also by a few selected representatives of the non-official classes, the great Bhayads, Thakurs, Sirdars, Darakdars, the merchants and traders, and priests, should be, along with the Chief as their President, and the minister as their active leader, the final authority,—the Darbar proper, without whose sanction no new tax or new law, and no great innovation on existing forms should be sanctioned, and without whose consultation no great questions pending between the state and the Paramount Power should be settled. It might be urged against this third proposal that it is a considerable departure from existing traditions, and that we might as well talk of calling States General, or Parliaments, or Congresses. We however think otherwise. When the great Shivaji built his new kingdom, he was fully alive to the necessity of such a council, and he took care in filling it up to associate representatives of all the more intelligent classes in his kingdom, without partiality of race or caste. No Chief, however ill-advised, acts without a Council, but this Council is too often made up not of the heads of the great departments of his state, and the natural leaders of his subjects, but of the panderers and pimps and jesters and bad women who throng his court. The dictates of the old Shastras and *Rajnitis* are quite distinct on this head, and the King without his Council is the archtype of a bad ruler in the old books. Of course the best way to educate the people to appreciate such an institution is to give it a form and power in the interim regency periods. The example of the constitution of British India attests to the usefulness of a rule by Councils and Boards. They keep up uniformity, they conserve past traditions, and act as buffers against the evil effects of personal changes.

Our fourth proposal relates to the settlement of the land revenue. The uncertainty of the king's

rights in land, the greed of power, and the temptations to abuse it, these have been the principal sources of the misrule and anarchy which have ruined the native states, both large and small. The Chiefs of Akalkote and Jat on our side lost their power on this account. It is the principal source of the dissatisfaction which mars the otherwise beneficial rule of the Maharaja of Indore. In Hydrabad, before Sir Salar Jung's time, it was the source of all the financial confusion of that state under Chandulal and his predecessors. The want of such a settlement of the land revenue caused the trubles in Nagar which led to the deposition of the late Mysore ruler. In Baroda the same source of mischief led to the troubles of Khanderao's reign, when he screwed up the revenue to the full pitch suggested by the rising prices. In easy or unscrupulous hands, the want of such a settlement soon gives rise to the contract or mamlat system which inevitably drives the state vessel on the rocks ahead of anarchy. The settlement of the land revenue permanently or for long terms on moderate and fixed principles, and the lightening of all other burdens should be the one recognized condition on which minor native rulers attaining their age should have the power of independent rule conferred on them. The settlement may be in corn rent or money rent, but there should be a certain fixity of term and tenure any violation of which should be regarded as a distinct sign of bad rule.

Next only to this reform in importance, is the proposal of a separation between the Khasgi and Doulat receipts and expenditure. The native Chief or ruler should be clearly made to recognize an essential difference between his own private allowance and receipts, and the state receipts. This distinction is clearly recognized in the accounts of the best native states, but the temptation of all needy rulers is to ignore it, till they come to look upon the state revenues as their private wealth. The chief should be his own unres-

tricted master in the matter of his Khasgi income, which should be settled upon him with reasonable reference to past traditions and his existing wants. But once settled, there should be no increrse of the Civil list except for good cause, and with the consent of the Council and the Minister. The British Government is to a great extent responsible for the subversion of this sense of distinction between state and private revenues, for at the time of the great confiscations of Tanjore and Nagpoor, the doctrine was first broached that a native Prince is the absolute lord of all the wealth in his private and state coffers; and that his private jewels and goods were state property liable to confiscation along with the state revenues proper. This mischievous delusion should have been buried with the abandonment of the annexation policy, but the fear of its being revived leads native Princes to starve and rob the state Treasury, and store their private Khasgi income with inconvenient savings. We know of instances where a Prince was foolish enough to deposit his own money with a stranger on the condition that he was to advance it to the Doulat at heavy interest, and pay the Chief's Khasgi a smller rate of interest for the use of the money. H. H. Malharrao stored 80 lacks in bank notes, while his Sirdars clamoured for payment, and the Soucars vainly asked for the return of their jewels. A great deal of the popular odium which attaches to the rulers of the Indore and Gwalior and Cashmere Darbars, arises from this same source. The settlement of the Chief's Civil list should, therefore, be strictly carried out in his minority, and no accession to it be allowed except for good cause shown to the satisfaction of the Minister and the Council.

Next to these two important reforms is the division of Executive and Judicial, of Civil and Military duties, and the bestowal of all offices of position and trust on persons who, besides the qualifications of being subjects of the states, and of good family con-

nection, also qualify themselves by passing prescribed examinations. In all the larger states this division of functions and careful selection should be based on the lines followed in British India. There is not the same advantage in carrying out such a division of work in the smaller states, but the tendency of all centralized power to abuse is so great that, as far as financial necessities permit, the power of the state must be distributed in separate and coordinate departments. The old native dynasties and empires mouldered into dust and decay chiefly because this principle of a division of authority was not thought of, and was certainly not carried out. The same man joined Military, Civil, Judicial, and Executive functions in his own person, was infact a miniature Sovereign for his province. The hereditary principle operating towards the same goal, there was a constant tendency to split up the ill consolidated empire into fragments. The division of functions, and the bestowal of the offices on qualified men, tested on the British Indian or China plan, ensures their proper exercise by stimulating healthy emulation,and preventing abuse and idleness by a close system of checks and counter-checks. The example of British India has been slowly tecahing this lesson to the better regulated states, but we wish to see it embodied as a fixed principle from which there should be no departure.

Again, the principle of havingwritten laws, now so extensively recognized throughout British India has in it a great power of education. As a matter of fact, the laws in British India are made by the Executive, but the Executive feels itself bound by the laws, and if it seeks a departure, changes the law in the first instance. This deference to written law teaches men to obey not personal mandates suggested by the moment's whim, but the delibrate rules laid down for general guidance. The individual sinks in the general, the temporary in the permanent. This aspiration to be governed by

a body of written laws passed deliberately before hand suggested the *Smrutis*, and there is, therefore, nothing of an innovation in desiring that the reign of law shall become supreme throughout.

An annual statement of accounts, in the way of budgets and regular estimates, should also be insisted on as a part of the same obligation. As matters stand, in many states, neither the nominal chief nor his minister knows much how he stands in respect of ways and means, or how the money comes and goes through a thousand hands, and there is no audit, no proper system of account such as obtains in British India, or even like what, after the lapse of 80 years, strikes the student of the Poona Daftar as the peculiar glory of Nana Fadnis's administration. The ordinary and extraordinary provisions of the year should be fixed on beforehand, and not provided for as they arise. This periodical publication of accounts will create an interest in public matters in the subjects of native states, and enable them to judge of the wisdom or otherwise of new impositions.

We would also press upon the rulers of native states the extreme desirability under proper control of fostering the free developement of local power such as that of the great Sirdars, village Patels, and the Pargana authorities. The Indian nation was saved from extinction by the solidarity of these local institutions that survived the great inundation floods of foreign invasions which passed over the country. The influence of British example is not worthy of being followed in this respect. British authorities naturally dislike these local dignitaries, for they interfere with centralized power. But the aims and purposes of native rulers ought to be to conserve these elements of national strength. The Inam settlement and confiscation operations which propose to take away the land from all the great holders of alienatious, and pension them or send them adrift to starve, are in our view conceived in the narrowest spirit. It is a public

misfortune that in this respect, the example of British India is being too slavishly followed in all the native states. People who have no connection with the land and live on stipends, have no hold, and no status in the country. They are absolutely at the pleasure of the ruler for the time, who simply silences them by fear of starvation. If these were connected with the land as their source of livelihood, they would secure a following, a union of interests between the people proper and their leaders would result, and their rights and privileges could not be easily set aside. The same observation holds good of the Bhayads and Thakurs in Rajput states. The example of British India moreover should also not be allowed to corrupt native states in respect of the encouragement of the litigious spirit. As far as possible, the lower class of offences and civil disputes must be left to the disposal of the Panches, and Daivas, and the village elders. The stipendiary magistrates and judges should be assisted also by these same elders to dispose of the more contested cases. Slowly but surely, the statesmen of British India are perceiving the mistake they committed in overliberalizing India, in abolishing the sanctions of our customary rates of interest, in making land freely disposable by the involuntary attachment of Judicial Warrant in introducing the laws of insolvency and a thousand equally disturbing expedients of western civilization. The native states should stand aloof from these mistakes, and in the constitutions they accept for their guidance, there should be no such doors of abuse as settlement or confiscation departments, the rights of subordinate alienees should be conserved, and the interest and dignity of the elders of the population should be enlisted in their own defence by finding work for their leisure time in volunteer Police duties, and judicial work of Panches and unpaid Justices.

We have thus briefly dwelt upon all the leading features of the constitution we would wish

to see introduced in the larger and smaller states. As we have said above, it is providential that there are at present so many states under Regency or interim British administrations. Full advantage should be taken to utilize this rare opportunity by the wise rulers and guardians of the states to start this experiment fairly. At present too much attention is directed to the more showy reforms, reforms which strike the eye or the ear. Extensive Public Works, heavy cash balances, large confiscations, long statistics of Civil and Criminal work, the employment of Europeans on large salaries,—these are thought to be the elements of successful rule. Our own view of the matter is that they are but vanities and deceits, as they exercise no permanent influence for good on the people of native states. These do not advance in public spirit, but continue to be children, gratified with *satmaries* and huge marriage expenses, and Bada Khanas to European guests. With a Prince brought up as His Highness the present Maharaja of Indore, or the much lamented Rajaram Maharaja of Kolapoor, assisted by a responsible and respected Minister, with a Council of officers representing the heads of all departments and the leaders of the non-official classes, with the land revenue and other sources of income settled on moderate and fixed principles, with a careful separation of the Khasgi from the state Department, and a proper distribution of the Civil and Military, Judicial and Executive functions in separate hands, carefully selected from among the subjects of the state after due examination, with written laws, and annual publication of accounts, with a policy of conservation of the rights and distinctions of the Sirdar and privileged classes, and of strict regard to keep up their connection with the soil, with every care taken to associate people in the work of practical administration as local justices, Panches, jurors, Municipal and Talooka Councillors, &c, what is there to prevent native states from becoming models to British

India for the quiet contentment of their subjects, and the great school of self-education and progress in political emancipation, instead of, as at present in too many cases, being the source of annoyance and trouble to their own people and to the Paramount Power, and the laughing stock of the world for utter helplessness and the most depraved voluptuousness? The time has surely come when we may expect to see the dawn of a better order of things, and the growth of a more correct sense of public needs, the recognition of which cannot fail to be attended with manifold blessings to the whole nation.

THE NEW SETTLEMENT OF THE KHOTI DISPUTE.

1. *Captain Wingate's Report on the proposed Survey of the Ratnagiri district.*
2. *Compilation on the Khoti question by Mr. Candy.*
3. *Rao Sabeb Mandlik's Brief Survey of the Khoti question.*
4. *The Khoti Commission's Report.*
5. *The new Khoti Bill.*

We have been watching with some anxiety this new project of legislation in reference to a tract of country described by the late Professor Hughlings as the Scotland of Western India. This district extended at one time from the frontier of Sawantwadi on the south, to the Apte river on the north near Panwell, close by what is called the funnel hill visible from the Bombay Harbour. Nearly nine-tenths of the villages in this district are held by a body of proprietors termed Khotes. The word in its primary acceptation means a cultivator. It is the tribal name of a very inferior class peculiarly skilled in agriculture, who seem to have come from some southern province near Goa or Canara. This is proved by their language which, after a residence of centuries, still retains all the rude and crude phrases of its younger days. This class is also known by another appellation named Javala, which seems to indicate that they have been brought near to the highest class at some recent period. This conjecture is supported by a generally received tradition that they were admitted into the Brahman circle, and had privileges conferred upon them which they are gradually extending like similar other classes. What other signification the generic term *Khote* once had in reference to land, it is now difficult to say.

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But so far as history written and traditional extends, —and it does extend beyond four hundred years,—the greater number of villages in the Southern Konkan were once owned, settled, or reclaimed by the Khotes. They have been freely enjoying them like their other properties, with unrestricted rights of sale or mortgage. The only condition of their holding their properties is that which attaches to all assessed lands, whether permanently or periodically settled, all over India, viz the annual payment of land revenue. The Khotes either cultivate their lands in person, or let them out to tenants. The most prevalent condition of tenancy has been that of payment in kind to the extent of one third or one-half after an appraisement, or a quantity of corn previously agreed upon irrespective of the actual outturn. A large number of cases shew that the *Ardheli* tenants had no right either to the soil, or to its continued occupancy. And indeed one fact which has never been denied seems to be conclusive on this point. Whereas a Khote was and is responsible for the revenue of the whole village, whether it was cultivated or uncultivated, his tenants only paid for the lands which they actually cultivated, and which were changed often and lay fallow for years together according to the exigencies of village cultivation. Where the tenants had any fixed rights, these were always known by distinct names such as *Dharekaris, Daspatkaris, Dupatkaris* &ca. There has been no complication in respect to these priviledged tenants. The difficulties which have been raised concern the *Ardheli* and other similar tenants, whom it is proposed to invest with occupancy rights ; and we now see that the present Bill contemplates creating further complications which do not appear on the proceedings of the Khote Committee of 1874, and to which we shall allude further on in these pages. We divide, therefore, the subject into two leading sections. We shall first discuss the question about the propriety of conferring proprietory rights on

the new occupancy tenants, and secondly we shall refer to the new changes contemplated by the Bill as now amended by the Select Committee.

It is a very curious fact in connection with this measure that the views of the authorities have been changing ever and anon during the past fifty years, so that the people concerned in this so-called settlement have had no rest, and have not been able to calculate, with any approach to certainty, upon the value of their properties, and their own returns therefrom. It is a matter of grave public importance that all classes of Her Majesty's subjects, whether noble or humble, should be equally cared for by the legislature which represents in the last resort the deliberative sense of the executive government. If, therefore, any particular class in the Khoti villages are sufferers, its legitimate protection by all allowable means is very desirable. Indeed so far as the papers before us show, the Khotes have not objected to such a limitation of their own position, both in respect to the old privileged tenants, ank to the occupancy tenants which this Bill proposes to create. All that they have asked for in the case of the latter is a reasonable compensation for their proved proprietary losses. In regard, however, to other provisions introduced for the first time into this new Bill we think there is no justification at all. They do not seem to have ever come within the recent discussion by the Khoti Committee, and are now brought in for the first time to neutralize the benefits of the compromise that was said to have been brought about.

We have said before that a Khote gets a certain amount of produce for the lands which he allows his tenants to cultivate. We have also mentioned the magnitude of the interests involved in this Bill. Some idea may be formed from the fact that the area of the present extent of the Southern Konkan, exclusive of the three Talukes now attached to the Kolaba Collectorate, is 159 miles in length with an extreme

breadth of 45 miles. The country is hilly and rugged; the soil, miserably poor, consisting in great part of a stiff feruginous clay often mixed with gravel. (Wingate's Report paragraph 7.)

The whole land of the collectorate not absolutely sterile may be considered to be under cultivation, either with annual crops, or with occasional crops and fallows. Some small patches are indeed reserved for the growth of trees in the barer parts, to supply branches and leaves to burn with cowdung as manure for the rice land, but these too may properly be viewed as under cultivation, and, so far as I have seen or can learn, there is now little, if any, unappropriated waste which is never cultivated, to be found in the collectorate.

The present number of Talukas is eight, containing in all 1336 villages, hamlets &ca. (Wingate's Report para 13). About 1200 out of these villages are Khoti, either pure or mixed. A large number of these have been held under grants fixing the revenue until the next Prant Survey, but in other respects continuing the proprietary holding which the Sanads acknowledged. A large number of these have been recorded in a case called the great Khoti case, which appears of late to have been compromised. In some instances the Sanads confer the village for the purpose of promoting cultivation in others fresh Sanads are granted in consequence of the loss of old Sanads by accident, or for the purpose of removing doubts as to the possessor's rights when questioned by adverse parties. We hope when the history of this singularly unfortunate tract comes to be written, a large number of these Sanads may yet be available to the public. We give below a specimen of a Sanad granted by the British government so late as the year 1832, and invite special attention to its concluding paragraph.

Extract from the Bombay *Government Gazette* Supplement dated the 3rd November 1864 p. p. 622 to 624.

Translation of a Kowl from John Alexander Forbes, Esq., Collector of the Southern Concan, on behalf of the Government of the English Company Bhadoor, to Mahomud Ibrahim, son of Abdool Gufoor Purkar, Khote of Mouje Sakhrolee, Turf Khair, Khotej Mookuddum and

Koolkurnee of Moujey Mahaprul, and Kananulee Khoord, Turf Vezvee, Talooka Sooverndoorg.—Inamdar of the Khar in Moujey Musunduree,—Tikan Wuttun Inamdar of Turf Bankote, Inamdar of the Khar in Moujey Sudundeeree, Turf Govule, Khote of Moujey Dharowlee, Moujey Vave, Turf Beerwaree, Talooka Rygur.—Tikan Inamdar of Moujey Rahatgur, and Moujey Zargaum, Kuryat Newren, and new Khote of Monjey Abawén, Turf Hurchurree, Talooka Rutnaghiree, and inhabitant of Moujey Rahaeagur, Soor Sun Arba Shumseen Mya Tyne wu Uluf.

A Kowl is granted to you as follows :—

Under date the 13th September 1832. and previously to it, under date the 12th February 1831, you submitted petitions stating that if Moujey Agawen, Turf Hurchurree, Talooka Rutnagherry, which was lying unclaimed, and which was managed by the Sirkar, be granted to you as Khotee Wuttun, you would use your best exertions to bring it under cultivation. Whereupon a reference was made to Uzum Bajee Bullal Lotleekur, Mamlutdar of Talooka Rutnagherry. That Officer having instituted an inquiry submitted his report, together with papers connected with the matter. On examining those papers, &c. it appeared that there was no fixed old Khotee on the said village ;—that a dispute having arisen among the parties who had taken the Khotee, the village was ruined ;—that as they were unable to pay the Government due, they executed a deed of acquittance and made over to the Peshwa's Government the village together with its land, "Manpan," &c ;—that accordingly the management of the village was uninterruptedly carried on by Government for the last 40 years,—that excepting Government, no other person had any claim to the village on account of Wuttun, &c,—and that there was every year a loss in the Revenue. Considering that the village would not prosper, unless some one had been made a Wuttundar Khote thereof, a report was made to the Right Honorable the Governor in Council. On this an order, dated the 2nd April 1833, was received from Government, directing the Government share of the village to be granted to you as Wutnee Khotee. Therefore the Khotee Wuttun of the Government share of the village exclusive of the share of the Chief of Vishalgur, has been granted to you. The following are the conditions in regard to the grant and the Government Revenue.

1, The Chief of Vishalgur is entitled to a half share of the whole of the aforesaid village and according to the collections made in the year Sullas Sullaseen the amount of the Revenue of the Government share of the village is as follows :—

Receipts into the village treasury as follows :—

Cash.....Rs. 99 0 8

Out of the grain received, consisting of three kinds, viz., Bhat (rice in

husk), Naglee (Raggy) and Wurree (*coix barbata*), a half was set aside for (the Punt Prutinidee) and the value of the remaining half was fixed according to the average of the auction rates obtained during 5 years from Sun Tisa Ushreeu to Sun Sullas Sullaseen as follows :—

3½ Maunds, and 1½ Pailies of Bhat at Rs. 12-0-0 at 67 per Candy.....Rs.	2	0	85	
1¼ Candies 11½ Pailies and 1 Seerdee of Naglee Rs 15-3-15 per Candy.....Rs.	27	3	72	
½ Candy, and 1¾ Maunds of Wurree at Rs. 11-1-90.....Rs.	6	1	34	
¾ Candy, 4¾ Maunds, 2¾ Pailies and 1 Seerdee of Hurreek at Rs. 6-0-75.....Rs.	6	0	73	
3½ Maunds and ¾ Pailies of Black Teel, at Rs. 25-2-20.....Rs.	4	0	93	
1¼ Pailies and Seerdee of coolecth at Rs. 16-0-4.....Rs.	0	0	35	
			46	3 92
				146

Inamut as follows :—

To Gramdeo.....	2	0	45		
To Shree Luxoomee Kesheo.....	5	0	50		
				7	0 95
To Mahar Foujdár.....				3	3 19
				157	0 14

The Revenue be be received in kind is as follows :—

	C.	M.	P.	S.
Bhat.....	0	3½	1½	2
Naglee.....	1¼	¼	1½	2
Wurree.....	½	1	¼	3
				2½ 0 ¼ 3

Thus the annual assessment, consisting of Rs. 157-0-14 in Cash and 2½ Candies, and 3 Seers, ¼ Pailee in grain has been fixed for the period of 15 years from Arba Sullaseen to Summan Arbyne; and you are to pay it every year as it becomes due.

2. In the course of the aforesaid 25 years, should a fresh Re[illegible]ue

Settlement of the aforesaid Talooks be made, the amount fixed by the Settlement shall not be applicable to this village for 15 years from the current year. From the 16th year the assessment fixed by the Settlement will be levied from you for the different kinds of land described in the Kowl No, 152, dated the 7th March 1831, corresponding with the 21st Mohurrum, Ihide Sullaseen Maya-tyne wu Ulaf; granting to you in Wuttun certain Government lands, and for the other lands according to the usual practice. Should a fresh revenue settlement be not made during the said period of 15 years the aforesaid Government share of the revenue, viz., Rs. 157-0-14 in cash and 2½ Candies ½ Pailee and 3 Seerdees in grain shall be levied from you, from you, from year to year.

3. The conditions which have been entered into by———Saheb in the Kowl alluded to in the preceding Clause 2 shall be observed.

4. You are to pay direct to the respective parties the Inamut, and the amount due to the Mahar Foujdar which have been included in the amount described in the first Clause.

Should Government prohibit the payment to these parties, you should pay the amount into the Government treasury.

5. You are to pay direct the "Hucks" and other "Bulootas" of the Huckdars, according to the practice of the Mahal; you are also to pay the village expense.

The Sirkar has settled the above five Clauses, and this Kowl has been issued to you. You are therefore to * * * to promote cultivation, to consider as your Wutnee property the lands of the village, including the trees and shrubs, water courses, hay, wood and stone—to enjoy from generation to generation the "Huck Luwazima," "Manpan," "Kanoo Kayuda," "Furfurmas" "Veth Beegar" &c., connected with the Wutnee Khotee according to the practice of the other Khotes in the said Turf, and to live happily. You shall not be subjected to any extortion or molestation. This is the promise. Let this be known to you. Dated 7th Rubeelawul, corresponding with Thursday the 9th Shrawun Shood Shuke 1755, and 25th July 1833.

It will be observed that the village in this case was resigned to government by its old Khote proprietors, and it was given as a new grant to Mr. Abdul Gafoor Parkar, who was to consider as his *Watani* property the lands of the village, including the trees, shrubs, water-courses, hay, wood, and stone to enjoy from generation to generation &c. &c., connected with

* Illegible.

the *Watani* Khoti according to the practice of the other Khotes in the said Tarf, and to live happily.

It is of the utmost importance to remember the large scope and fullness of these expressions ; for during the recent discussions in Council, the proprietary nature of the Khoti holdings has been publicly challenged. We shall recur to this aspect of the question further on.

In such a large number of Khoti villages in eight Talookas, it was natural that there should be some complaints either from landlords or from their tenants. Many Englishmen, who are very tenacious of their own rights, often forget the difference between 'mine' and 'thine,' and it is to officers of this class, that the frustration of the designs of government has been due. We are not aware that the agricultural disputes in this district have been either unusual in number, or more complicated in character than in the Ryotwar Districts. There may be exceptions. We might almost say there must be, as there always are, in all communities. But some of the best judicial officers, who have worked in the Southern Konkan, have admitted the comparative freedom from violent crime which this district has enjoyed over other collectorates. Such being the case, all it seems to us that might have been done was to fix the customary dues between the Khote landlords and their tenants on the one hand, and the mutual rights of these landlords and of the state on the other. This could easily have been done without unsettling the whole agricultural community in the way the so-called settlements have done. Even the present settlement is equally one-sided and unjust. While the Government can under its provisions raise its *Jumma* to any amount at their next survey, the Khote can not levy a grain of rice or *Nagli* for himself beyond the customary half or third allowed by law. But this is not all. The late Court of Directors writing in 1827, while expressing their

anxiety for the prevention of proved abuses, distinctly directed that where, even the right to a hurtful privilege was established, it ought not to be taken away without a suitable compensation. This evidently refers to the four days' labour for mere subsistence each month, and the other cesses which have been enjoyed by the Khotes from time immemorial. This principle of compensation, it seems to us, has since been lost sight of. Another thing also appears to have been left out of view, and that is the part which the government assessment plays in connexion with this district. It has been said that the Ratnagiri Khotes are Brahmins, and that they were the Peishwa's favourites. Hence probably the revenue corollary that the existence of the Brahmin Khotes was an evil, that must be put down. We should hardly have expected such things to have been publicly uttered in such a responsible body as the Council of His Excellency the Governor of Bombay for making laws and regulations. But since the sentiments have been uttered, they must be emphatically contradicted. The Khotes of Ratnagiri, as the Southern Konkan District is otherwise called, consist of all classes and creeds, and not of Brahmins only. There are Mussalmans, Marathas, Kunbis, Gaulis, Brahmins of various denominations, Khotes, Bhandaris, Chambhars, and even Mhars. On this point we quote from a report of the Revenue Commissioner, Mr. Townsend, a passage which, besides confirming the above, is also useful in another respect as showing that the root of all the people's poverty and misery is the heavy government assessment in this Ratnagiri district.

The Khots are of almost every caste and every condition in life; some are poor peasants, and some are men of wealth and intelligence; that all these men can not justly be subjected to the same sweeping condemnation will perhaps be admitted, but till a light and equitable assessment is imposed on the Konkan, it is evident that many Khots must be bad landlords; where the head landlord extorts more than his share, each subordinate must for self preservation extort from the next

below him. The way to give *khot* and tenant a fair chance is for Government to reduce its demands whenever they exceed a fair proportion of this produce. When this is done, the Khots will be able to deal liberally with their tenants, which now in many instances they cannot possibly do."

This shews where the shoe pinches. The revenue assessment of Ratnagiri has always been complained of as being oppressively high (Wingate's Report paragraph 63). This really has all but ruined the district, and although this has been admitted by a long array of government officers, there appears to be no indication that the present measure will do anything to remedy the evil. It was with the view of inquiring into this and other matters which were pressed on the attention of government that an experimental survey was resolved upon in 1826. The experiment was confined to the single Talooka of Ratnagiri. Its survey was made by Lieutenant Dowell between 1826 and 1829. From 1829 to 1833, Lieutenant Dowell was employed in collecting data in order to fix the assessment. But the Vishalgadh Chief having held rights to half the villages in a portion of the Taluka, great delay took place, and in 1833 Government reduced the establishment.

After this episode we may turn to the year 1851. It was then that Captain (afterwards) Sir George Wingate reported on this district. An experimental Survey was ordered under Lieutenant Kemball, and in 1853 it was introduced into three villages. "The attempt" says Mr. Candy "was unsuccessful," and the proceedings were suspended until the Legislature empowered the Government to exercise the authority requisite to overrule the Khote's objections. The chief objection raised by the Khotes at this time related to the entry of the cultivating tenants' names as "occupants at fixed rates."

The diversity of views put forth on this point simply bewilders the student of this controversy as he follows the proceedings of the revenue survey

officers at different times in this district. The correspondence which passed from 1854 to 1864 is very diverting, if not instructive. There are reports and counter reports of a hazy character, which only darkened the clear vision of unbiassed minds, with here and there a few gleams of light often breaking through columns of obscured sense. Thus Mr. D'Oyly wrote in 1855 that the security of the tenure of warkas lands was not increased, and that the Survey could not be introduced effectually without legislaton. On the other hand, Mr. Turquand was of opinion that the Survey might be worked without the Act, if it were gradually introduced first into Dharekari villages and then into the Khoti villages. He at the same time insisted that the circumstances under which the Survey was introduced into the Deccan, were diametrically opposite to those existing in the Ratnagiri district. Captain Wingate and Mr. Reeves thought, as the Honourable Mr. Ashburner thinks now, that the Khotes were farmers pure and simple and not landlords, and that the opposition of the Khotes was due to a wrong headed conviction of their own rights. Mr. Turquand warned government against adopting their views against the sense of the people, as he thought that while the Khotes were farmers as in relation to Dharekaries and proprietory cultivators, they were, in regard to all their customary tenants, entitled to be considered as proprietors, under the paramount right of the State Landlord.

While Mr. Turquand talked of the paramount authority of Government at great length, he was prepared to give equitable compensation for existing rights and claims before creating new ones, and he was of opinion that the survey, to use Mr. Candy's words, "should be introduced with the consent of the people or by force of law, *not without both.*"

As regards law, we may say generally of the former projects as well as of the one now before us,—that

there seems to be no thought of, or provision for, assessing and awarding compensation for rights abolished and taken away. Such a thing does not seem to enter our legislative heads under the imperial regime. They go on making so-called laws, and confiscating and abolishing rights, and while exalting their own prerogatives, they would not like to leave a door for redress to the aggrieved parties by a free resort to the Civil Courts as protection against flagrant abuses of power on the part of the revenue and executive officers. The present Bill seems to be quite on a par with our other laws in this respect.

Let us now return to our history. The survey of 1851, having been left in abeyance, was renewed in 1858, and from that time till now the Ratnagiri District has known no rest from the worry of surveys and settlements without end. For twenty long years, many lacs a year have been spent, and it may well be said, we are not now any nearer the beginning of the end. The survey, begun in 1858, went on without any legal machinery. Col. Francis wished to have an Act on the model of the Bengal Act X. of 1859. Other officers made other proposals. But all these appear to have been rejected by the Government of Lord Elphinstone.

At last came Bombay Act I of 1865. Then the unequal struggle began between the Government and the Khotes. Although the people were entirely unrepresented in the Council, it was found necessary at the last stage to recognize the vested interests of the Khotes, and two clauses were added to the bill to protect the interests of those Vatandars. But some members who knew nothing of the District, objected to this addition. If one looks at these proceedings of the Legislative Council of 1864-65, he can not help concluding that the vehemence of the opponents of the Khoti land-owners was in a direct ratio to their ignorance. To satisfy these objectors, the following ex-

planations were offered by Sir B. Ellis, in moving the addition of the two objected sections to the Bill.

"The reason why it was necessary to specify the talookas to which the provisions of these sections were to be made applicable, was that there were other Khotes besides those in the Southern Konkan. In the Salsette Talooka, there was a class of land holders called Khotes who had nothing but the name in common with the Khotes of the Southern Konkan. They held their villages at a permanantly fixed rental and usually under specific grants, and the nature of the tenure in each case depended on the terms of the deed. The proposed sections, therefore, had reference only to the Khotes of the Southern Konkan—a class of superior holders whose rights were of a very long standing. The settlement of the revenue had been made with them, just as in Ryotwar villages the settlement is made with the cultivator. For many years past, annual agreements had been entered into with the Khotes for the land revenue due from their villages. But when the Survey Settlement was introduced into Khotee villages, it was only fair that the Khotes should have the same advantages in regard to permanency of tenure as is guaranteed in other surveyed districts. There was no reason why the guarantee should not be extended to them as to other occupants. The first section proposed by him would effectually secure this object, and by recognising the rights of this class of superior holders to the villages in their possession, would remove their apprehensions, and induce them to accept the benefits of the Survey with the same satisfaction that had been evinced by the Ryots everywhere. The second of the clauses proposed would confirm that portion of the Khote's settlement which prevented the Khote from exacting more than was fair from the inferior holder. At first sight such a provision might appear to interfere with the rights of the Khote, but the actual cultivators of the soil had also rights recognized by the custom of the country which the Khote could not invade. These rights might justly form the subject of legislation, and indeed in a Bill like the present could not be safely ignored."

Sir, B. Frere spoke to the following effect on the same occasion :—

"There could be no doubt that the tenures in this presidency might be broadly divided into two classes :—(1) *Ryotwari*, in which the actual cultivator of the land paid the revenue direct to Government; and (2) the *Khotee*, in which a superior holder, who did not necessarily cultivate the land, was answerable for the Government demands, and possessed the right of taking rent from the cultivators who held under him.

The law, thus passed in 1865, has been worked with all the summary powers at the disposal of the Re-

venue Department for more than 14 years. As might have been expected, all the objections which had been urged in the interests of fairness and good policy have been verified by the results. The people of the district have been involved into no end of difficulties and distress. The Government, however, offered no help even in the worst seasons, and the poor barren district has been as heavily taxed by Government as some of the richest districts of the Presidency. The illegal pressure brought to bear against the Khotes forced them to institute a large number of suits against Government, and the decision in most of these suits established the proprietary title of the Khotes as against Government. But those who know the luxury of an English law suit, can tell how galled the people must have been when they were compelled to bring so many suits. For every five hundred people aggrieved, hardly two have come into Court. So that the small number of suits is to be attributed, not to the fact that there was no opposition, but entirely to the poverty of the people, the expensiveness of the legal machinery, the great opposition of the local officers, and the proverbial uncertainty of the English Law. From time to time these things were represented to Government, and in 1873 Government published a very useful summary of official information concerning the Khoti tenure, which had been compiled by Mr. E. T. Candy of the Bombay Civil Service. The publication of this summary was followed in 1874 by the appointment of a Commission consisting of Col. Francis, Survey Commissioner, Mr. A. K. Nairne, Rao Bahadur Narayanrao Ganesh Sathe, Deputy Collector (now Assistant to the Commissioner S. D.) and Mr. Naro Babaji Gole, Vakil of the Dapoli Subordinate Judge's Court and a Khote in the Ratnagiri District.

The following points were laid down for enquiry by Government before this Commission :—

"6 It is the wish of Government that the Committee should as-

certain by inspection and enquiry on the spot in certain selected villages, how far it is probable that an understanding may be arrived at both with the Khotes and with the cultivators, and whether it would be practicable,

1. To declare who are Dharekaris and the like.
2. To mark out the holdings of the Dharekaris both in rice and warkas lands.
3. To declare who are customary tenants with rights heritable but not transferable.
4. To determine the period of prescriptive possession conferring those rights.
5. To mark out the holdings of those "customary tenants" in rice and warkas lands.
6. To fix the amounts of rent to be paid by them in produce.
7. To abstain from interference between the Khotes and their tenants at will or,
8. To fix the constomary rent of the tenants at will and give them heritable rights.

"7 Precise and definite information on these points is essential to enable government to decide on the proposals to be made to both parties with a view to an adjustment of their differences.

"Above all the possibility of clearly defining the rights to warkas land should be placed beyond doubt."

The detailed report to Government, made by Col. Francis and Mr. Nairne, was dissented from by the two Native members of the Commission. From the summary appended to the Government Resolution, it appears, however, that the views expressed by the native members made a fevourable change in the views of government, and some of their suggestions have been adopted. Mr. Pedder's summary is not before us,—and according to the usual practice in such cases it may not perhaps see the light until it is published in Enland 20 years hence, when its usefulness for present discussion will be gone. If the space at our disposal had permitted, we should have prefaced our remarks on the Bill, as it has now been published, by a publication of the full text of the resolution. As it is, we must content ourselves by giving a brief *resume* of that resolution. First of all Government make the all-important admission that "the method in which the mode of settlement laid down by Go-

vernment Resolution No. 1832 of 1870 has been carried out, if not the principle therein adopted, has in some respects affected injuriously the legitimate interests of the Khotes, and that this should now be corrected." The next point is one in regard to the position and tenure of the Khote, on which so much random remarks were made in Council when this new Bill was first introduced. We shall here quote the words of the Resolution.

"The first point for consideration is that of the position and tenure of a Khot. On this subject there has been a great deal of discussion, somewhat unnecessary, in as much as it does not affect existing facts. Originally, it appears to Government, the position of a non-Sanadi (not possessed of a written grant or title deed) Khot was that of the lease holder of a village whose lease might at any time be cancelled by Government. The position of a Khot holding a Sanad was undoubtedly stronger than this, but on the other hand his proprietary right was restricted within very narrow limits: on the one side by the right of Government to raise the amount of his Jama payment to Government at pleasure; on the other by the rights, whatever they might be, of the different classes of tenants holding under him. But both classes of Khots are now "superior holders under the Survey Act; they have the right of settling with Government for the land revenue on their estates, and have in consequence as against Government the very good and full hereditary and transferrable title, analogous to that of a Survey occupant, which this involves. The present tenure of a non-Sandi Khot is therefore far better, that of a Sanadi Khot certainly not worse than his original title. Government have never disputed this, and have never wished to do so. But on the other hand, Government while endeavouring to strengthen the title and position of the Khot, as of other classes of land holders in this Presidency, have never intended to do so at the expense of existing private rights subordinate to his."

It is next laid down that the Khote is a survey occupant and a superior holder "with the same rights, conditional on the payment of assessment over his estate, as against Government as the occupant of a survey number is defined to have by section 36 of the Act." "It follows" says the Resolution "that he has full rights, subject to the provisions of the Survey Act, over all lands included in his estate which are unen-

cumbered by the rights of holders subsidiary to his, and that, on the forefeiture or loss of such rights, the lands affected by them lapse to the Khote, and not to Government." The Government next determine that considering the responsibilities of the Khotes, the Jamma of their villages should be fixed at "from 15 percent to 25 percent less than the full survey assessment of all the lands comprised" therein. In purely Dharekari villages, fifteen per cent. should be given to the collecting Khotes as remuneration. But when partition of the Khoti village takes place, the jamma of each sharer is to be the survey assessment of the lands in his share minus the above percentage. The Government next lay down that although made by the sharers among themselves the past assessments have not been heavy, judged by the standard of the prices then ruling; they admit that to a certain extent those data may be misleading as including a series of years of exceptionally high prices. They, therefore, direct that the rates should be reconsidered. The next portion of the Resolution dealt with the relations of the Khotes with their tenants. They were roughly divided into three classes, the Dharekaries, the Daspatkaries, and other privileged tenants, and the customary tenants. In regard to the first class, there is no dispute. In regard to the second class, for the reasons given, Government propose that permanent occupancy rights should be given, which are to be heritable but not transferable without the consent of the Khotes. The third and last class have no rights except such as they may possess under their personal contracts or agreements. The principle of the apportionment of the produce under the Battai system is recognized, and rules are to be made for the inspection of crops. The right of conferring Dhara on tenants is recognized as vesting in the Khote. (This right was in fact expressly admitted by Bombay Act

VII of 1863 Section 3.).* It was also laid down that the right of re-entry of a Khote should be barred after twelve years from the time the village is placed under attachment. In place of the customary annual Kabulayats, the system of thirty year's leases was recommended for adoption. But it was also left to the option of the Khote to pass an annual Kaboolayat as at present, his tenants giving a Kabulayat likewise to him. "The rights of occupancy were now to be settled once for all, and are not to accrue in future." The recommendations of the Committee with regard to wood are also approved of so far as they may accord with local usage.

The materials for this Resolution were placed before Government in the early part of 1875 and the Resolution, of which we have above briefly indicated the leading points, was passed on the 24th April 1876. So far as we have been able to ascertain, a draft Act was also prepared at the same time but was not introduced till September last, when the Bill was first published and prefaced by the following statement of objects and reasons :—

It has long been the desire of Government to effect a satisfactory settlement of the large number of villages in the Ratnagiri District which are held by khots. An attempt to do so was made before the Survey and Settlement Act of 1865 (Bombay Act 1. of 1865) was passed, but it did not meet with success and it was temporarily postponed. When the abovenamed Act was before the Council two sections (Nos. 37 and 38) were inserted in it which, it was hoped, would enable the Survey Officers to surmount the difficulties which the peculiarities

* It runs as follows :—

This Act shall not apply to lands which, in villages held on Talookdari, bhagdari, nurwadari, Khoti, or other similar tenure, may have been partially or wholly alienated by the present or former holders of the said villages, or by any one of them ; and, in the Event of the management of such villages being at any time resumed by Government, all land so alienated shall revert to Government unaffected by the acts of the holders or any of them, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals."

of the khoti tenure presented, and renewed orders were given by Government for the carrying on and completion of the settlement.

2. The survey of a large portion of the Ratnagiri District has thus already been completed, and survey settlements have been actually introduced, and are at the present moment in force in several villages it the northern tálukas. But in a very large number of cases the proposed settlement proved, for various reasons, unacceptable either to the khots, or to the ryots, or to both, and as the khots refused to hold their villages on the terms of the settlements offered to them they have been attached, according to the local custom, and managed by Government.

3. In the course of several years, during which repeated endeavours were made to carry out the existing law and to fulfil, by its aid, the wishes of Government, a considerable amount of litigation arose in the local District Court against Government. The result of the suits, so far as they have gone (for many of the more important ones have been postponed and never yet heard on appeal by the High Court), has been in some instances favourable, and in some unfavourable to the Government. But upon the whole it has gradually become evident that the general provisions of the Survey and Settlement Act are unsuited to khoti villages and that Sections 37 and 38 of that Act fail to meet all the difficulties of the case.

4. In the end Government appointed a competent Commission to make local inquiries and to report upon the reasons of the want of success of the attempted settlements, and to suggest what remedies could be applied. Government also obtained the opinions of all their Officers who had had any experience in the Ratnágiri District, and eventually, after full consideration, a Resolution (No. 2474, dated 24th April) was issued in 1876, finally disposing of all the principal questions at issue and sanctioning terms for future settlements, which whilst they were liberal to the khots, yet aimed also at securing the just rights and privileges of the actual occupants of the soil.

5. But the contemplated terms differed so materially from those of an ordinary survey settlement that it was found that it would be necessary to resort to special legislation in order to adopt the Survey and Settlement Act to the proposed new settlements. The first draft of the present Bill was accordingly at once prepared, but before introducing it into the Legislative Council it was deemed expedient to test the suitability of its provisions by tentative settlements to be made under the special direction of the Collector. The experience thus gained appears to the Government to have established both the need for the proposed measure and the likelihood of its leading, if passed into law, to a satisfactory conclusion of the many difficulties with which the revenue administration of the Ratnagiri District has been beset from the time, it may almost be said, when the country first came under British rule.

Temporary settlements have been effected by the Collector and his assistants of a large number of villages in accordance with its provisions, and proof that these settlements are giving satisfaction is to be found in the facts that all litigation against Government has ceased, that almost all the pending suits have been either withdrawn, or compromised, and that the relations between khots and their tenants, and the other holders of land in khoti villages, are reported to be becoming of a much more friendly well-disposed character.

6. In the meantime the Survey and Settlement Act has been included in the repealing schedule of the Bombay Land Revenue Code 1879 except as regards Sections 37 and 38. But the said Code, to a considerable extent, re-enacts the provisions of the Survey and Settlement Act as part of the general law of the Presidency, so that it is still necessary to pass a special Act to legalize the proposed new settlements of khoti villages and to modify certain portions of the Bombay Land Revenue Code so far as they would apply to such villages. This Bill, amended by the light of the experience gained in the experiental settlements of the last three years is, therefore, introduced for this purpose.

Although the Bill has been mainly based on the Government Resolution No. 2474 Revenue Department, dated the 24th April 1876, as paragraphs 3 and 4 of the Statement of objects and reasons suggest, we regret to observe that it contains many provisions repugnant to the spirit of the said Resolution, and which seem also otherwise objectionable. We may add that as that Resolution was passed after a careful and prolonged enquiry and mature consideration, and so far its actual working has proved satisfactory, it seems inadvisible that the present Bill should contain anything subversive of the terms of that settlement which the parties have tacitly accepted as a compromise. With these brief preliminary remarks, we shall now proceed to note below some of the objectionable provisions of the said Bill.

Section 4 of the new Bill, as amended by the Select Committee, says that the continuance of Khote's villages is to be subject to the payment of the *jamma* and "to the fulfilment of any other terms or liability lawfully annexed or appertaining to their tenure." It seems to us that the Select Committee are

not aware that, instead of amending defects and clearing up difficulties and doubts, they are creating fresh confusion where none existed before. In curtailing the rights of the Khotes, and clearing up and defining the rights of inferior holders, the Bill seeks to amend what was doubtful, but this section makes the Khote's position more indefinite than ever. Mr. Candy has shewn that a Sanadi Khote was never interfered with during the time of the former governments. It is now granted that, instead of the Sanadi Khote having gone lower down, his non-Sanadi brother has come up to him in regard to the character of his ownership. If so, and if Khoti villages descend from father to son like other private property in the country, it seems an idle threat with which to encumber these properties, which have been enjoyed for upwards of sixty years, and which have freely changed hands by sale, mortgage, or otherwise, according to the laws of the land.

In Section 6, an important clause found in the original draft has been omitted from the amended Bill by the Select Committee. This concerns the right of further transfer of the new occupancy-tenants' holdings. But if the occupancy rights as now created were intended to be for the protection of the old tenants, we do not understand on what ground it is now sought to extend them, as the omission of the last clause of section 7 of the original Bill shews to be now intended. Again in section 8, it seems that the Bill proposes to make even ordinary tenants, whose rights are subject to ordinary contracts, to be quasi-privileged tenants on certain terms, because we can not otherwise understand the addition of the new provision "that the said rates shall not exceed the maxima prescribed in section 33 clause 1." If there is no tenant-right in favour of existing tenants in respect to any lands which may be in the personal occupation of the Khote, or which may have lapsed to him, or of which he has become

the full owner by the purchase of all under-tenures, in such cases, it seems to us, that the enacting of any restrictions on the Khote's making as much as he legitimately can out of his private property, is an attempt to enact a sort of sumptuary law to which no other class of the community is amenable. It will, we trust, be borne in mind, notwithstanding the declaration of Mr. Ashburner in Council, that the British subjects in Ratnagiri, whether Khotes or not Khotes, have not lost their private rights, inherited or otherwise. And unless the Bill now in question is seeking to create either a third class of occupancy tenants, or to turn the annual tenants into mere day labourers, we must say we can not see the wisdom of the present measure.

Section 10 seeks to add "other than liens or charges created or existing in favour of Government in respect of forfeited holdings which lapse to the Khote." In respect of this addition we have to recur to our remarks on section 4. We remember a Ratnagiri land-holder telling us the story of a pensioned Dufterdar, who was once examined as a revenue expert on behalf of Government. He was asked why Kabulayats were given by Khotes,and his answer was 'because the Khotes had to pay the land revenue' He was then asked whether if he had to pay a revenue demand on account of his house property, he would be bound to pass a Kabulayat for his house. The gentleman without the least hesitation replied that he would certainly have to do so. According to his notions all taxes due to Government were so many liens against private property. With ideas like these about the potency of Kabulayats and about Government liens, we cannot conceive the amount of mischief which these additions to the Bill will create.

In regard to section 11, again, we cannot understand what effect the addition in regard to forests is likely to make. It seems difficult to understand the conduct of the authorities in this matter. Admitting

the paramount rights of Government for the sake of argument, we fail to see how, in equity and justice, these rights can now be advanced in the year 1879 after Mr. Dunlop the Collector of Southern Konkan issued the following proclamation nearly 60 years ago :—

The Proclamation by the Government of the Honorable the English (East India) Company, represented by John Andrew Dunlop Esquire, the Collector and Magistrate of the Southern Zilla (division) of the Prant (Province of) Konkan, written (published) in the Sai (or Arabic) year one thousand two hundred and twenty four (A. C. 1814), for the information of all the people, is as follows :—Whereas the Government has observed that as the "former Governments" used to take Teak, Sisavi (Blackwood), and [other] good wood (timber) grown on the lands [situate] in the aforesaid Zillah belonging to any person whatever, the people did not take the trouble of raising [such timber trees and whereas the (this)Government thinks that it would be to the advantage of all if from this day forth teak, blackwood, and other kinds of good timber [trees] were raised on the country: It is proclaimed to all the people that the [this] Government has no intention (eye) towards the teak and other trees that may be growing on the lands of any person whatever [situate] beyond the frontiers (limits) of the forests preserved by the Government at Band, and Tadil Vinher in Taluka Savarndurga and Mahal Subha, Taluka Malwan: that those who may own [now], and may grow hereafter [such trees], may (i. e. have the liberty to) deal [with them] in any manner they like; and that no obstruction whatever will be made by the Government [to their so doing] Be this known.

Here it is clear that with the exception of three well-known forests at Bandh near Dapuli, at Vinhere near Mahad, and near the fort of Malwan, the rights of Government in all forests have been given up; and it seems to us that for Government to turn round fifty years afterwards, as it is attempting to do now, and taking advantage of various circumstances in its favour, to pass such a law as the present, looks very much like a confiscation of private property, which is indicated by the tail of the serpent now attached to Section 11, and completed by the enactment of Sections 41 and 42 of the amended Bill.

Again having regard to an old circular order of the Collector of Southern Konkan dated 24th August

1825, recognizing distinctly the creation of Dharas by the Khotes of their own authority, it seems inexplicable under what provisions it is now sought to curtail that right. The Bill, as originally published, contained some notes of decisions; but surely the Revenue Department of the Secretariate ought to know another decision passed by the Bombay High Court in a special appeal between Krishnaji Ganesh and others (Plffs) and the Superintendent of Revenue Survey and others, wherein the Court held that a *Dhara* created by a Khote would last at least as long as the Khote's holding lasted, and Bombay Act VII of 1863 Section 3 seems sufficient for the further step in the syllogism, viz. that even if the Khoteship be forfeited, the right of the Khote's transferee or *dhara* holder would be quite safe except so far as the public revenue was concerned. If this clear provision is now to be avoided, and, as it seems to us in the teeth of the understanding of the people concerned for the last 55 years, and in violation of the revenue order to which we have referred, all we can say is, that the Government are welcome to enter on the retrograde path they have now chalked out for themselves.

In regard to the recovery of rents, we think that as the rents payable are fixed in kind, and are only to be demanded when the land is cultivated, they ought in fairness to the Khote to be always payable in kind and by *battai*; and where the tenant will not pay and has given no security, the value of the portion of corn which may be assessed should be payable at the market rates of the day. In regard to accounts, we must confess that we can not understand clauses (a) and (b) of Section 15. With all his faults, a Khote, like other land-holders, is a private individual. For the protection of his tenants, the granting of a written receipt may perhaps reasonably be made compulsory. But that he should keep certain accounts according to forms prescribed by Government, and should produce such accounts whenever required, and for disobedience of

any order in regard to these accounts, he should be liable to a fine not exceeding 100 Rupees in each instance, is a stretch of authority for which there appears to be no warrant; because a Khote may have and often has pecuniary dealings both with his tenants and other persons in his village and outside, he has also the account of his private estates, and also of the payments of tenants who are neither privileged nor occupancy tenants,—why should all these private affairs of his be subjected to the scrutiny of any class of public officers, high or low whatsoever? Is there something peculiar in the term Khote which makes a man more obnoxious to these provisions than any other private individual, whether holding or occupying land, and dealing in land or money? We trust that these questions will be asked by the non-official members of the Legislative Council at their next sitting. Unless those who seek to enact these provisions can show some positive advantage to the public in thus ransacking the private affairs of private individuals, we protest on behalf of the public against the enactment of such provisions. In regard to the tenant's receipts, as we have said, there may be some excuse, but the other provisions are gratuitous official meddling, and will give rise to many abuses in the future, as like measures have always done in the past.

Section 22 is a prolongation of the old Revenue Jurisdiction Act, tempered by a proviso for the correction of any mischief arising as between parties concerned by recourse to litigation in Civil Courts.

In regard to sections 23 and 24, a question arises which has evidently been overlooked. By the Bill as now framed, the right of the superior holder or Khote as against his tenants has been fixed for ever, and yet the right of Government to fix the amount of the *Jamma*, is unlimited by any such provisions, and the Jamma may be raised from time to time; that is, the government may, at the next survey, raise their *Jamma* fifty percent if they please; but the Khote can not

apparently take one grain more from his privileged tenants except in the case of Dharekaris, who will pay to him such assessment as is levied upon their lands.

In regard to section 33, we have already pointed out the unnecessary difficulties which will be now created by section 8 as now drafted along with section 53.

In regard to section 35, we do not see what compensation Government is going to give to the Khoto in respect of rights which this Bill seeks to abolish, nor for the liability to the Local Fund cess, which new burden is to be imposed on him in respect of lands held by occupancy tenants with regard to whom his own rights have been curtailed by the enactment now proposed.

In regard to two sections regarding forests, we take leave to say that in our opinion they are altogether uncalled for.

And whereas it is necessary in the general interests of the people to enable Government to promote the extension of forests in villages held by khotes, it is hereby enacted that Government may at any time constitute any uncultivated land in any village to which this Act extends, or may hereafter be extended, a reserved forest.

Every reserved forest constituted under the last preceding section shall be subject to all the provisions of the Indian Forest Act, 1878, and of any other law relating to forests for the time being in force, provided &c.

According to the theory of some persons, (which has been well nigh exploded by the writings of Dr. Meldrum and other *savants* and by the unerring touchstone of experience), rainfall is influenced by the planting of forests. Even were the hypothesis correct, every available bit of land in Ratnagiri which is not under cultivation is used for forests or for pasture by the people. Ratnagiri has not suffered from drought within living memory at least. Indeed looking at the records of droughts and famines in various parts of India, Ratnagiri may be considered as blessed with a pretty heavy rainfall every year, and with too heavy a rainfall in several years. This in fact

is the only excuse for the state's interference in private affairs. But we may go further and say that there are hundreds of acres of land covered with forests in the Ratnagiri District, and there is no pretence whatever for holding that the general interests of the people demand any further interference with the private rights of the people.

During the discussion on the Forest Act of 1865, Sir Henry Maine spoke as follows :—

"It was necessary to add that the present Bill would not apply to waste land as it was commonly called,—that is to lands granted by the Secretary of State to individuals in fee simple or at a rent. Nor would any declaration by the government that a particular tract of land was forest affect or abridge any private right acquired either by grant or by prescription."

It seems to us that the present Bill is an attempt to go behind the Indian Forest Act of 1865, behind the Duke of Argyll's Despatch of 1871, acknowledging the rights of the Khotes, and behind the proclamation of Mr. Collector Dunlop in 1824, in a manner highly injurious to large and valuable private interests, and entirely opposed to that spirit of fair and equitable dealing which ought to govern the enactment of all projects of British legislation. In the words of a contemporary of ours, we might add "we commend to the earnest consideration of our rulers Mr. Gladstone's remarks on the occupation of Egypt in the August number (1877) of the '*Nineteenth Century*' as to the principles which ought to guide our legislators in their work of administration. It will not do to lecture on mere abstract philosophy and ethics. The principles enunciated by Sir Henry Maine ought (to use Mr. Gladstone's words) to "pass from the chill elevation of political philosophy into the warmth of contact with daily life."

CURRENT LITERATURE.

"The Report of Public Instruction in the Hyderabad Assigned Districts for 1878" has a special claim upon our careful attention as presenting the account of a Department managed entirely by native agency. The year opened with gloomy prospects, caused by a bad season of scanty rain in the preceding year, and heavy rains during the monsoon months, complicated by an outbreak of cholera and fever epidemics. All classes of schools lost ground in the number of their scholars, the unaided schools being the chief sufferers, and more than 60 schools were closed. Notwithstanding this reduction, the Assigned Districts carry the palm over the rest of India in the matter of primary education, as they show the highest percentage of school attending children to the population, being 1·2 percent, or 25130 to a population of 22 lacks, which proportion is higher than even that of Bombay or Bengal. The quality of the education given in these schools is, however, very inferior, a very small percentage passing in any standard higher than the third, and as regards higher education, the Berar schools are no-where in the field. Its two High Schools and five middle class schools barely maintain their existence with the poor roll of 35 students and 169 students respectively. The total expenditure on education was Rs. 2,93,517 which sum was made up of 2,18,740 Rupees contributed from the general revenues, and the remaining 70748 Rs. represent the yield of the Local cess. In this respect also, Berar compares badly with the rest of India, where the Government expenditure is nearly equal to, if it is not exceeded by, the other and popular sources of income. At the same time it is satisfactory to note that chiefly in consequence of the greater interest shown by the peo-

ple since the constitution of the Local Committees, nearly 10000 Rs. were subscribed by the richer classes for school buildings, gymnasia and other purposes. This is a very hopeful sign of awakened interest, and argues well for the further progress of the Department. In regard to the High Schools, it is a matter of congratulation that the High School of Umraoti under a native graduate has outdistanced the Akola school, notwithstanding its supposed advantage of an European Head Master. The Umraoti school passed more students at the Matriculation, and it carried two prizes of the University, while its expenditure was 25 percent less than that of the Akola school, whose Head-Master finds it necessary to console himself with the theory of ebbs and tides in the spread of education. The six girl schools in Berar, as may be expected from the backward state of the province, show poor figures. The Musulman schools show also unsatisfactory results. In regard to the social status and caste of the scholars, the Berars compare favourably with the other provinces, the Bramhins being fewer in number (16 percent) relatively to the other castes, the Kunbi boys were 27 per cent, and the non-Kunbi boys were fully equal to the Bramhins and Kunbees put together. There were 65 private aided and 115 unaided schools in Berar, in all attended by 3544 scholars, as against 461 Government schools attended by 21587 scholars. Rao Bahadoor Narayan Bhai Dandekar, the Director of Public Instruction in the Berars, is not very hopeful of the permanent success of private schools in the face of the heavy competition of Government schools, and he prefers the Bombay system of payment by results in respect of such schools to the Bengal plan of giving small salaries to the masters. The Berar High Schools, notably the Umraoti High School, have set a good example to similar institutions in the other provinces in their having successfully worked out the experiment of getting the scholars to board and live together apart from home influ-

ences in establishments attached to the school building. This reform in the salutary influences of school life is a great desideratum all over India, and we trust the successful way in which it has been introduced at Umraoti will attract more attention. The boarding houses must be managed as far as may be on the self-acting principle followed at Umraoti, both to keep down the cost within the means of all students, and to teach the boys habits of self-dependence and mutual help in need. Berar has certainly made rapid progress during the last 13 years. When its Educational Department was first organized in 1866, it had only 35 schools and 1889 scholars. The number of schools and scholars has thus more than twelve times multiplied during as many years, the figures for 1878 being 461 schools and 25000 schalars, and the progress from year to year has been steady and without a break till 1878. Altogether it is a great and noble experiment, and its success in the past which has been well maintained by its present chief, promises a still greater progress in the not distant future.

"The Life of Dr. Wilson by Dr. George Smith" is a work of permanent interest not only to those who knew the late Dr. Wilson and his work in this Presidency, but to all students of the moral and religious progress made by this country during the last 60 years. Dr. Wilson was deservedly honored in life as the pioneer of this forward movement, and Dr Smith has with rare skill found room to associate with the incidents of the biography of the missionary all the great events which occured during the last fifty years, signalizing the birth of new thoughts, and potent influences for good. Dr. Wilson was born in 1804, and from the first, even in his boyhood, showed evident signs that he was seriously minded in his religious views, and before he had been 21 years old, he felt he had received a call for the missionary work in India. He prepared himself by a vast

range of studies in Hebrew, Greek, Latin, and modern languages, Mathematics, the Natural Sciences, Chemistry and Medicine, to enter upon his destined work. In connection with the Scotish Missionary Society, he was sent out in 1829, after he had married, to this Presidency to aid in the work of evangelization. The Scotch mission then had its chief seat in Southern Konkan. Poona had been also occupied after much official discouragement, shortly before Dr. Wilson came to India. Dr. Wilson, however, chose Bombay as the field of his labors. To those who knew Dr. Wilson in the later period of his life, it must strike as quite a new revelation of his character to read the ardour with which he applied himself to the work of preaching in-doors and out-of doors, and the high value he set upon it as against the rival agency of teaching favoured by Dr. Duff and others. One preacher according to him was equal to twenty professors. He extended his range of lingual studies by cultivating a practical acquaintance with all the ancient and modern languages of India and Arabia one by one, as the field of his mission labours extended before him. His great devotion to public preaching was supplemented by extensive tours all over the country, which enlarged and improved his acquaintance with the people, and brought him a great accession of strength and influence. Along with these two agencies of preaching and tours, he also set up and maintained a very thorough system of Vernacular schools for boys and girls, and all his early energies and those of his wife seem to have been spent on this work of education. At first English education did not form a part of his scheme, but he was soon brought to recognize the usefulness of this agency, and the Mission School at Ambroli was set up in 1832, and continues to flourish to this day as a collegiate Institution. During the earlier years of his career he also launched forth upon the troubled waters of religious controversy with all the faiths of this country. In later life he outgrew this love of controversy,

but in his earlier labours this combative zeal was useful as it gave him a practical hold upon the strong and weak points of the old religious philosophies and the national systems of ethics, which he turned to account for literary, antiquarian, and propagandist purposes. He also started the Oriental Christian Spectator, which he continued to edit for some thirty years with rare devotion. He made himself very useful also to the authorities. This trait in his character has also been to many of the readers of his biography a new revelation. The Bombay Presidency has been from the times of its early conquest an essentially Scotch ruled territory. Sir John Malcolm, the Hon'ble Mr. Farish, the Hon'ble Mr. Willoughby, Lord Elphinstone, and Sir Bartle Frere, continued the Scotch connection from decade to decade, and Dr. Wilson confirmed his influence with each succeeding Government with the accumulated weight of his usefulness to those which preceded it, till at last he was trusted as a most influential non-official councillor by the Local and Imperial authorities. His scholarlike acquaintance with the ancient languages of India, Persia, and Arabia, and his love of research soon secured him the Vice-Presidency of the local Asiatic Society. His work on Parsi religion, and his travels in Palestine, Syria, and Egypt, secured him a European reputation. His practical connection with education made him a valued adviser of Government, when the new University Scheme was set on foot, and he gradually made his influence so felt that he became Vice Chancellor of the local University. A far higher honour was conferred on him by his own country when it chose him for the high office of Moderator and Convener of the Free General Assembly.

We have thus noticed all the more salient points of his long and useful career. A better exemplar we cannot propose for imitation to those among us who feel the noble aspiration of self-devotion to public service. Dr. Wilson was unselfish in the

extreme, and withal avoided the other extreme of asceticism. He never drew a larger salary than 250 Rs. a month from the Mission fund, and repeatedly rejected the offers of Government who held forth tempting posts for his choice, and promised to let him retain his liberty of action. When the old establishment was torn asunder by the great Schism of the Free Church Separation, Dr. Wilson, without a thought of self, enlisted his active services on the side of Dr. Chalmers, and did not shrink from his devotion though he had to part with the Mission School building, and all the ready stored appliances secured by twenty years' labour. When the Bombay citizens voted him a large sum in 1869, he would not take it for selfish purposes of his own, but left a legacy of the money to the University.

On a par with his unselfishness and devotion were the catholicity, the large-hearted faith, which characterized Dr. Wilson as a man above the average run of Missionaries. Not that he was latitudinarian in his views, or indifferent to the earnestness which faith inspires. But he was charitable in St. Paul's sense of the word. He regretted the Schism which rent his Church, and tried his best to unite the separated branches. He upheld the independence of the native Church as entitled to stand by itself, and choose its own order of establishment unfettered by the narrow divisions of European Churches. When the mission authorities in Edinburgh declined to ordain native Christians for the work of ministration, or wanted to sanction only a qualified pastoral charge, he entered his strong protest, and asked to be relieved of his mission work, and it was his earnest advocacy which alone secured the success of this noble emancipation of the native Church. In Bombay, he early made himself the mouth-piece of the Mission Union, and he helped the Irish Presbyterians to found their mission in Kattiawar, and his own Church, when it sent out missions to Nagpoor and Rajpootana. In the height

of the Mutiny, as also after the sensation caused by the assassination of Lord Mayo, Dr. Wilson stood firm as a rock as the friend of the people, and inspired confidence in the loyalty of the native population by openly exhibiting it, and insisting upon it at all hours and with all persons. No wonder that such a life of labour and love and self-abnegation was crowned with a rich harvest of success far exceeding his own most sanguine expectations.

The era of reform may well be said to have begun with his arrival in India. *Sati* was abolished in 1829, the year when Dr. Wilson landed on these shores. In the same year the Scotch Mision of Harnai welcomed the conversion of the first, or rather the second, Brahmin who became Christian under the influence of the Protestant Missions on this side of India. In that same year, Captain Candy and Mr. Molesworth were bringing out the first proofs of their great Dictionaries. In 1830, the Bombay Literary Society was made a Branch of the Royal Asiatic Society. The first native Christian Church, or rather the first native Protestant congregation, in Bombay was formed in 1834, of eight members. In 1833, came the great charter of liberty which, after a hard fight between the Orientalists and Lord Macaulay, secured on a firm footing the policy of higher education of the natives in the English language, and for the first time recognized the equality of all classes of Her Majesty's subjects. In 1835, the disqualifications attending upon a change of faith were removed. In 1833, the first Mahomedan, and in 1839, the first Parsi, conversions took place. In 1835 the Elphinstone Institution was raised into a College, and Professors Harkness, Orlebar and Henderson commenced their labours. In 1842, the foundations were laid of the Sir J.J. Hospital and College. In 1845, the first educated Hindu was admitted into the Christian faith. In that same year, the Calcutta Review was started in Bengal, and the first overland steamer came by the Suez route to

Bombay. In 1847, a Proclamation was issued by Government notifying that Sati, infanticide, and slavery had been abolished in all the leading native States. In 1849, the Cave Commission was appointed by Government to take fac-similes of Rock inscriptions, and Dr. Wilson, was the heart and soul of the Commission. In 1850, the students of Elphinstone College established their first girl schools unsupported by Government. In 1852, the first Railway was opened in India from Bombay to Tannah. In 1854, the great Education Despatch was issued settling once for all the great question of higher and lower, and state and private education. In1858, the Victoria Museum and Garden were founded in commemoration of the suppression of the Mutiny by the loyal citizens of Bombay. About the same time the new Universities were constituted by law, and the regulation of higher education was made over to their charge. In 1860 the great Maharaja Libel case brought to the front the young reform party in conflict with the errors and views of the old superstitions and priesthoods. In 1865, the Zenana Missions commenced their work in India. In 1869 Dr. Wilson's native congregation built their first native Christian Church in Bombay. About the same time, theistic organizations and the widow marriage reform movement assumed distinctive shape, and Dr. Wilson welcomed the efforts of independent reformers, with a genuine feeling that all agencies of truth and love must in the long run meet in achieving the same noble and godly end of Indian regeneration.

We have not left ourselves much space to give as we had intended to do a summary of Dr. Wilson's views and opinions on many of the controverted questions of the day. We must be content, therefore, with only reproducing a few of his more characteristic views, the truth of which is borne witness to by the success of his work. His ideal of a missionary preacher included the possession of high faith, compassion, cour-

age, wisdom, perseverance and prayerfulness. A good command of the Vernaculars and a scholarly acquaintance with other systems of faith are also required in a good preacher. He condemned those preachers who indulged in the mere denunciation of idolatry in preference to witness bearing as men engaged in deceitful and unprofitable work, which made the missionaries lose their temper and miss the key to men's hearts. Dr. Wilson fully realized that Christianity was a faith sprung in the East, its truths and their modes of expression were also of the East, and he inculcated the necessity of drawing attention to the excellences and truths embedded in Eastern faiths. The work of the preacher was not so much direct conversion as the apostle's mission of turning the world upside down, to rouse up nations, and prepare them for the work of the Lord. As was to be expected from his eminent fairness, Dr. Wilson condemned the subsidizing of a Christian eclesiastical establishment of Chaplains and Bishops out of Indian revenues as a monstrous crime. He recommended total abstinence from drugs and drinks as the platform in respect of which Temperance Societies should admit of no compromise.

Having thus fully set forth our views of the manifold excellence of Dr. Wilson's character, we think Dr. Wilson's friends will not charge us with uncharitableness if we allude briefly, and with regret, to the one single blot which marred his fair fame and the holy sanctity of his life. Dr. Wilson in an evil hour allowed himself to be influenced and soiled by contact with the prejudices of rampant officialdom. For the little services the officials rendered to him, he bartered the noble dignity of his independence. He consented to act as the spy of Government in the Satara troubles, and Mr. Thompson, the advocate of the Satara Raja, took him justly to task for his officious meddlesomeness in politics. In the mutiny troubles, Dr. Wilson became a Police agent,

opened letters sent through post, and used his vast scholarship to decipher their contents, and inform the Secretaries of what people thought and spoke in confidence. His subservience in these matters was of the highest consequence to Government, and in Lord Northbrook's time, Dr. Wilson was selected as a referee and the chief non-official political adviser to Government. It was in this connection that he allowed himself to be made a cat's paw of by the official wire-pullers, who wanted to draw him out, and get him to denounce the agitation caused in Native Society by the rough handling Baroda received in 1875, when the opinion of three native Judges,—two of them Sovereign Chiefs sitting as Judges over a fellow Sovereign,—was quietly set aside, though it was the view of the majority, and not only was Malharrao deposed, but his innocent son's rights were ignored and passed over in order to exalt in greater relief the prerogatives of the Imperial Power. Every body now admits that but for the agitation in native society, Baroda would long since have been annexed and governed by a European Commission like Mysore and Berar in place of its present native administration. A more pitiable exhibition of the weakness of dotage and dereliction of high principle can hardly be conceived than Dr. Wilson's reply to Lord Northbrook, in which he makes himself a mouth-piece of Cassandra-like official lamentations that young India presumes to question, and criticize, and expose, if necessary, the questionable acts of Government in its pursuance of a policy of fiscal aggrandizement and the exclusion of natives from all real equality and manly aspirations, as if the growth of this sense of political interest and jealous watchfulness was not the end and aim of the guardianship which Providence has permitted Englishmen to exercise over this country. The history of the late Deccan troubles has put its seal upon the falsehood of this condemnation, and we will willingly for-

get this miserable incident of Dr. Wilsons' life in consideration of the many and solid claims upon our national gratitude, which bind us to reverence him as a great scholar, and a greater missionary, and cherish a recollection of his noble work of love and devotion of half a century.

BARODA ADMINISTRATION REPORT FOR 1877-78.

The Baroda Report for 1877-78 is, like its predecessors, highly satisfactory in the evidence it affords of the steady growth of those elements of order and prosperity, which the cheap and efficient native administration has secured for the subjects of that state. The most important of these elements is the mutual good understanding which exists between the Dewan and the Resident, and both these high officials deserve well of the country for the way in which they have guided the vessel of the Baroda State through the last five years of transition and trial. The Dewan has succeeded with his well-known tact in removing the numerous friction points, where separate authorities clashed and gave trouble, by getting the British authorities to consent that the Resident alone should be the channel through which all direct interference of British officers in the neighbouring states must reach the Baroda Darbar. This is a very important concession, the beneficial results of which will make themselves felt as things get more and more settled in course of time. The Dewan is also to be congratulated on the satisfactory working of the Girasi Commission, which is another element of trouble in all these native states. We take this opportunity of expressing our gratification at the disappointment of the fears expressed by us in one of our back numbers in regard to this Commission. At the same time we may, we hope, be permitted

to observe that the settlement of 95 cases in 6 month out of some 2000 pending cases is not a very satisfactory state of things. With regard to the other elements of hope, we are glad to be assured that H. H. the Maharaja progresses well in his studies, and that there is no hitch, and no adverse fatality attending his stars. We cannot, however, join His Excellency the Dewan in his congratulations upon the removal of the so-called British guarantees of private rights within the limits of the Gaikwar's territory. Baroda will not always be blessed with a minority and an independent native administration, and any reform which removes the checks upon the arbitrary use of power by the native rulers, in matters of private rights of sufficient magnitude to be guaranteed by the British authorities, is sincerely to be deprecated in the interests of the state itself. It is well that under these circumstances these guarantees have not been extinguished, but have been only centralized. It is hardly necessary for us to state that all the arrangements and innovations now introduced should be adopted with a full view of near possibility of the Maharajas' accession to the power, and should be "not for the practicular moment or the particular cases in hand, but for future guidance and for all classes of men." The Dewan is fully alive to the extreme delicacy of his situation, and the necessity of standing up for the rights and privileges of the state against the silent encroachments of "beneficial supervision converting itself into unwelcome supercession." There are, however, few indications that the administration bears in mind its purely provisional existence. As an instance in point we may refer to the fact that the services of the Baroda nobility and Darukdars are not more largely utilized in the administration, although nearly five years have now elapsed since the new order of things was set on foot at Baroda. When the Maharaja comes to his own, he should have at hand from among his own

subjects a recognized and well-trained class of administrators. We, however, seek in vain throughout these published reports for any evidence of an attempt in this direction. The chief's minority is the best time to train up such a set of practical and honest officials. All that the Dewan has to note of the Sirdars is that they are going on well, and of the Darukdars that they are quiet and contented. We expected to hear better news regarding them. We feel, however, positively relieved on one point, namely, that the rumoured intentions of the present Government at Baroda of making a surrender of its military establishments at the altar of the new Imperialist Ideas, and thus win the cheap glory of far-sighted patriotism and statesmanship, had no foundation in fact, and the quiet but persuasive way in which the Dewan has argued that the regular force is not in excess of the State's necessities, and the irregular force is harmless, if expensive, and cannot be reduced without injuring vested interests, conveys an assurance which satisfies us that the Dewan will be the last party to lead the van of surrender when the time for it comes. With respect to the Settlement Department again, we must insist upon the great difference there is between the conditions of rule in these native states and in British territory. Settlement operations resulting in large confiscations may be politic in the rulers' interests in British India, as removing the head-centres of support and coherence among the people, but such ideas are certainly out of place at Baroda. There every agency which limits the power of the chief in the lines of past tradition ought to be carefully conserved, for such subordinate rights act as buffers to absolute power. The cruellest service which can be done to a native chief, when he arrives at maturity, is to leave him a large and over-flowing treasury, and all classes of his subjects absolutely at his mercy in the matter of their allowances and *nemnooks*. The more these last are connected with the land and the revenue

by means of recognized alienations, the more are village Patels and Taluka Desais respected and consulted as privileged subjects, the more the king feels he is not the only master in his territory, and is straitened in his purse, the greater will be the chances of his turning out a moderate and wise ruler. In the judicial administration again we think reform must be carried on in the same lines. The people's unpaid services must be utilized in the larger employment of local Justices of the Peace and Panches and jurors, even at the sacrifice of statistical efficiency and brilliant results, which are assured by the system of stipendiary judges and Police officers. It is certainly a matter of no little surprise that while, in British India, attempts are being made to return to the old native systems, the native administrations are studying very hard to take on our cast off clothes. While the British Government is making an honest effort to give larger employment to natives, the Baroda State under a native administration has found employment for nearly thirty European officers representing a monthly expenditure of 12000 Rs., and the cry is still they come. We have not left ovrselves space to notice many of the other points of interest in the report which show that much solid and useful work has been done by the officials throughout the country. We are, however, more concerned with the principles than with the details of the administration, and we trust that the points we have ventured to touch upon will meet with the consideration they deserve, and suggest a change of policy intended to prepare all classes in Baroda, not the Chief only, to fit themselves for the exercise of independent rule when the Maharaja succeeds to power.

THE

QUARTERLY JOURNAL

OF THE

Poona Sarvajanik Sabha.

Vol. II.] [No. 4.

APRIL 1880.

UNDER THE AUTHORITY OF THE MANAGING COMMITTEE.

EDITED BY

S. H. CHIPLONKAR.

AGENTS.

London—Messers Trübner &. Co., 57 and 59 Ludgate Hill.
Bombay—Messers Cooper &. Co., Meadows Street.
Calcutta—Baboo Jogesh Chandra Banerjee, Proprietor Canning Library 55 College Street.
Madras—Messers V. J. Manickavaloo Moodelliar &. Co.

POONA:
PUBLISHED AT THE "DNYAN PRAKASH" PRESS.

Price Rs. 1-8-0

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POONA SARVAJANIK SABHA.

Established for representing the wants and wishes of the inhabitants of the Deccan, being appointed on a popular elective system under rules framed for the purpose.

NAGARKAR'S WADA, NEAR VISHRAMBAG.

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LETTERS TO GOVERNMENT ON THE DECCAN DACOITIES.

No. III.

No. 121 of 1879.

Sarvajanik Sabha Rooms,
Nagarkar's Wada, near Vishram Bag.
Poona, 31*st December* 1879.

To,

The Chief Secretary to Government,
Bombay.

Sir,

In continuation of our letter No. 81 dated 20th May 1879, we have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit this third representation to you on the subject of the Deccan Dacoities, and to request you to place the same before His Excellency the Governor in Council for their most favourable consideration.

1. At the outset the Committee of the Sabha beg to congratulate the Government on the capture and the subsequent conviction of Wasudev Balwant Phadke, the fool-hardly mover in one of the bands of dacoits that infested these Deccan Districts in the early part of the current year. The Committee of the Sabha are glad to find from the Administration Report of the last year recently published that the impression about the connection of the educated natives with the dacoity troubles which for a long time found favour in certain quarters, has been openly declared by the Government itself to be quite unfounded, and that the movement had little or no hold whatever on the sympathies of the entire population, educated and uneducated, and that, except among the criminal classes and half starved unemployed wretches, and a few giddy school boys Wasudev had no help and found no followers, that he was only one very insignificant leader, and that even the outlaws left him very early to shift for himself till he was hunted down and captured. Moreover the fact that these troubles were not at an end with the capture or death of Wasudev, Daulatia, Omia, and others of the outlaws, but still continue in portions of the disturbed districts, and that the dacoities were not confined to any one district but were spread over five districts and contiguous Native States, will it is hoped convince Government that it was not, as was suggested in some quarters, the artful scheming of any one or more individuals that brought

them on, but that, like the Deccan Riots of 1875, they were the spontaneous result of a number of concurrent causes of long and wide operation.

2. Soon after the commencement of the disturbances in the early part of the current year, the Government contemplated the appointment of a Commission of Inquiry under the presidency of the Commissioner Central Division to inqure into, and report upon, the origin and causes of the disturbances, and to suggest remedies. The Committee of the Sabha in their letter No. 79 represented at the time, that it was too early in the day then to appoint such a Commission of Inquiry, as it was a matter of the first importance at the time, that the District Officers should devote their undivided energies to the effectual suppression of the evil, The Committee of the Sabha are grateful to Government for their having taken their prayer into favorable consideration. Althongh the country is not yet restored to its former condition of undisturbed tranquility, yet now that the neck of the troubles may be said to be broken, they think the time has come for the appointment of a Commission of Inquiry to inquire into and report upon, the origin and causes of the disturbances. The occurence of so many serious outrages in such a short space of time is happily now so rare that it becomes necessary in the interests of public peace to ascertain what were the pre-disposing circumstances which led to these troubles and which gave them such long impunity. The utter helplessness of the disarmed country people, as disclosed by these sad occurences, to defend their homes and possessions against the dastardly attacks of the outlaws, and the total insufficiency of the Police protection, which required to be supplemented by military aid to quell the disturbances, make it incumbent on the Government to take early action in the matter.

3. This inquiry becomes the more necessary and obligatory when it is remembered that there is a wide divergence of views among the officials themselves, and a wider still between the views of the officials and the people most intimately affected by these troubles, and there are already indications that strong measures of repression find favour in certain quarters, although public opinion is strongly pronounced against them as both unjust and injurious to the general interests involved in the satisfactory settlement of these troubles. For the Committee of the Sabha think that it is opposed to all principles of justice and good rule that the defenceless and innocent inhabitants of the Moffusil villages, who have been, in consequence of their dis-armament and the failure of the Police to protect them against the lawlessness of the criminal classes, made to suffer great loss and injury to their persons and possessions for which they have obtained hardly any redress, should further be required to defray the expenses of additional

punitive posts, which are only justified when the disorderly conduct of the villagers generally render them necessary. It cannot be maintained for a moment that the villagers acted in concert with those who looted and killed them. Moreover it should be remembered that unlike the village communities of olden days those of the present day have no hand whatever in the preservation of order and peace, and the control of the criminal classes in their respective limits, the whole of which responsibility has been taken upon itself by the Government in the Police Department. Such being the case it is manifestly hard upon the vilagers in the Purandhar and the other Talukas that they should be held responsible for the lawless acts of their criminal and starving classes, and taxed an additional rate which represents a sum in many places nearly equal to one third the land tax they pay to Government, and many times the yield of the license tax. The Committee of the Sabha, therefore, submit with due deference that Government should not finally commit itself to such stringent measures before the whole subject has been properly inquired into, and the imposition of a special Police rate recommended by an impartial Commission.

4. The Committee of the Sabha feel the more anxious in this matter because unfortunately before there was time to form a deliberate opinion on the matter, authoritative declarations were hazarded of course on the basis of reports made by the District officials by the Head of the Local Government and endorsed by the Government of India, denying the truth of the views held on this subject by the Sabha and by independent public opinion generally, that the troubles resulted from the pressure of famine times and the simultaneous operation of enforced economy in the Public Works Department and the extension of forest laws and the rigorous exaction of the land revenue. All the evidence accessible to the public tends to show that agricultural distress has been the principal source of the disturbances. This evidence is of a two-fold nature—the first part being based upon the impressions formed by Government Officers and the second part on the facts elicited during the course of judicial investigation before the Sessions Judge of Poona. Under both heads we shall mention several facts whose importance cannot be over-rated :—

(1) The Counsel for the prosecution in Empress *versus* Wasudeo based his own theory of the motives which prompted the misguided followers of Wasudeo a to join him more on this admitted distress of the agricultural classes than the efficacy of Wasudeo's seditious preachings.

(2) One of the inspired organs of the English Press the *Bombay Gazette* which has throughout maintained the correctness of the official view, has been at last obliged to confess that the forest extensions

are to some extent responsible for these troubles. This confession is professedly based on official sources of information.

(3) It would appear further from the last instalment of Mr. Cairds' "Notes by the way in India," published in the October number of the *Nineteenth Century* that long before the actual breaking out of the dacoity disturbances, the Police Department thought that the stringent application of the Forest Regulations had aroused great discontent which would most likely lead to crime and might become a source of danger. It is to be noted that this impression was formed by the Police officers in the Deccan long before the actual breaking out of the disturbances. They thought the matter of sufficient importance to communicate the same to the Famine Commission during their sojourn in the Deccan. Mr. Caird was himself so convinced of the importance of this fact that he deemed it necessary to suppliment the statement quoted above by a piece of advice to the authorities concerned to the effect that though the preservation of forests is to a certain extent most desirable, "their extension by the Forest officers in a reckless manner and with too high a hand should be most carefully guarded against." This observation shows that Mr. Caird at any rate, if not his colleagues also in the Famine Commission, has been convinced of the reckless extension of the Forest Regulations by the officers of that Depaatment. In the opinion of the Committee of the Sabha the over-stringent application of the Forest Regulations did not itself create the dis-order, but it aggravated the mischief brought on by the agricultural distress of the past years. The rigorous exaction of the land revenue during the last two or three years, even when little or no crops were harvested, and when all the sayings of thrift and providence had been exhausted by an unprecedently protracted season of scarcity, as also the abrupt stoppage of all public works forced on Government at a time when they were most needed to give employment to the starving population must also have lent considerable help to bring on these disorders and swell the ranks of the outlaws.

(4) This view of the case is supported by the second class of evidence, which is alluded to above, and which, as previously remarked, is based upon the facts elicited during the judicial investigations before the Sessions Judge of Poona. Up to to the end of October last the Session Judge of Poona tried in all thirty-four cases of dacoities committed to the Poona Sessions. From the two statements hereto appended, it wil be seen that the number of the accused put on their trial was 243, of whom 166 belonged to the Poona District, 66 to the Sholapur Distaict, 3 to the Satara District and 8 to the Ahmednager District. It will also be seen further that out of the 34 cases of dacoities tried by the Poona Sessions Court, 21 occured in the Poona District, 11 in the

Sholapur District, and one each in the Satara and Tanna Districts. It will further appear from the second statement that out of the total number of 243 accused put upon their trial for committing dacoities, 104 were Cultivators, 28 Ramoshi watchmen, 1 Village Patel, 67 labourers, 19 petty dealers and artizans, 19 village Mahar servants, 1 trader, and 4 Mangs. Now when it is borne in mind that almost the entire population of our villages is directly or indirectly connected with agriculture, the Committee of the Sabha think that those entered under the second, third, fourth, sixth and eighth columns can be, some wholly and some partially, regarded as agriculturists. Thus it would appear that more than four fifths of the total number of the accused in these 34 cases of dacoities were wholly or partially agriculturists. These figures lend strong and unexpected support to the soundness of the views hold by the Sabha from the first on this subject.

5. But even if it be admitted that these figures do not completely establish the case of those who, like the Sabha, have all along maintained that nothing more or less than pure agricultural distress was at the bottom of these disturbances, they most strongly disprove the position taken up by some of the District Officials and endorsed too summarily by the higher authorities that the troubles were not due to agricultural distress but to the machinations of a few men. The Committee of the Sabha have no doubt that the Government will feel relieved that the statistics herewith appended together with the other evidence and notably the strongly expressed opinion of Mr. Caird of the Famine Commission are more than sufficient to clearly prove that the dark and vague, though sufficiently expressive, language in which H. E. the Viceroy in July last hinted at the existence of causes other than agricultural distress as being the sources of these disturbances, was unjustified by facts, then perhaps not within the knowledge of Government. The autobiography of Wasudeo Balwant Phadke produced in evidence by the prosecution, goes to support the same view. In one part of that document he says that he had been working more than half a dozen years to incite the Ramoshis and other criminal classes not only of the Deccan but other parts of this Presidency to actively assist him in his mad project for the over-throw of a Government which is not only one of the best, but taking all things into account absolutely *the best* Government that India can ever hope to have under existing circumstances. He, however, failed till the commencement of the current year to induce even the Ramoshis to co-operate with him. This circumstance has, in the opinion of the Committee of the Sabha, a two-fold signifibance; it proves in the first place that the Ramoshis and other criminal classes of other parts of this Presidency, other than the four Districts of the Deccan proved deaf to the last to the preachings and inducements of Wasudeo, while in the second place it equally

proves that even those who actually joined him were influenced less by the preachings and inducements of Wasudeo, than by the necessities of their condition, being without any resource wherewith to earn even the scanty livelihood which constituted their competence. The frequent desertions and returnings to their ordinary pursuits after having joined him in two or three dacoities of which Wasudeo charges several of his following both in his autobiogaaphy and his diary, point to the same conclusion and show, that many who joined him deserted him the moment they became possessed of means sufficient to enable them to tide over a season of general agricultural distress, depression and scarcity of employment. These facts are of great importance and significance and should not be treated of lightly or under-valued.

6. It will be thus seen that unless based upon facts to which the public has yet had no access, the "very different causes of these troubles," of which the Viceroy spoke in July last, do not appear to have any foundation in fact, and the cause of these troubles which both His Lordships and His Excellency the Governor of Bombay discarded as not proved appears to be the probable, if not the only, explanation of the troubles. A clear case is thus made out for the appointment of a Commission of Inquiry to inquire into, and report upon, the origin and the causes of these disturbances. The Committee of the Sabha are not aware up to this moment, of the nature or character of the evidence on which His Excellency the Viceroy relied as being of sufficient force to point to a very different cause of these troubles. This evidence, whatever it be, will have to be submitted to the Commission of Inquiry and to be sifted by them in the same way as they will sift the evidence which is now forthcoming in support of the hitherto discredited cause of these troubles.

7. The Commission of Inquiry will have to inquire in connection with these disturbances, whether any or all of the following causes had influenced those who resorted to dacoity :—(*a*) the land revenue policy of the Local Government which reversing its hitherto traditional liberality in the matter of remissions recovered the assessment during the last three years without allowing any substantial remissions; (*b*) the extensive application of the Forest Regulations by the officers of that Department; (*c*) the Licence tax which is reported to have been over-assessed in the case of several petty dealers, and to have been assessed on those whom the Legislature never thought of including; (*d*) the general depression brought on by a series of bad seasons; (*e*) the violent and abrupt suspension of all public works this time last season when they were needed most to secure employment to the needy and the hungry. The Committee will also inquire (*f*) whether the existing Police organization is defective and (*g*) how far the villagers need greater protection by a distribution of arms being made to the village

authorities and the more substantial Ryots by a requisition of voluntary watch service from all land-holders, and by keeping a careful register of the criminal and suspected classes.

8. In conclusion the Committee of the Sabha trust now that a clear case in favour of the appointment of a Commission of Inquiry to inquire into and report upon, the origin and the causes of the Deccan Daccities has been made out, the Local Government will be pleased forthwith to appoint such a mixed commission composed both of official and non-official elements, before committing itself finally to any definite course of policy in regard to the adoption of preventive or repressive measures.

We have the honour to be,
Sir,
Your most obedient servants,
SHIVARAM HARI SATHE,
Secretary of the Poona Sarvajanik Sabha
S. H. CHIPLONKAR,
Honorary Secretary of the
Poona Sarvajanik Sabha.

N. B.—Want of space compels us to with-hold the bigger of the two statements of which the one that follows is a kind of analysis.—*By the Editor.*

Number	Name of the Dacoity Case.	District.	a. Cultivators.	b. Ramoshi watchmen.	c. Village Patels.	d. Labourers.	e. Petty artizans, & dealers.	f. Village Mahars.	g. Traders.	Mangs.	Total.
1	Dhamari Case.	Poona	7	3	0	6	3	0	0	0	19
2	Ambegaom Case.	Sholapoor	1	0	0	0	0	2	0	0	3
3	Koregaom Case.	Poona	1	5	0	2	0	0	0	0	8
4	Mouje Garvi Case.... ...	Sattara	0	1	0	2	0	0	0	0	3
5	Mouje Kadad Case... ...	Poona	7	5	0	0	1	4	0	0	17
6	Mouje Rewasi Case. ...	Poona	7	0	0	1	1	1	0	0	10
7	Mouje Kudal Case. ...	Sholapoor	0	0	0	7	0	0	0	0	7
8	Mawodi Case.	Poona	4	0	0	0	1	0	0	0	5
9	Shilawadi Case	Sholapoor	2	0	0	0	0	0	0	0	2
10	Bharab Case.	Sholapoor	1	0	0	0	0	0	0	0	1
11	Pandharpoor Case. ...	Sholapoor	2	0	0	2	2	0	0	0	6
12	Jagwagi Case.	Sholapoor	1	0	0	1	0	0	1	0	3
13	Mouje Saraphwadi Case.	Poona	0	1	0	8	0	0	0	0	9
14	Mouje Rewade & Garade.	Poona	6	0	0	0	0	0	0	0	6
15	Bhaje Case	Poona	2	0	0	3	0	3	0	0	8
16	Sakurdi Case....	Poona	3	0	1	0	0	0	0	0	4
17	Nere, Chikali & Palaspe.	Tanna	9	2	0	7	2	0	0	0	20
18	Mouje Chisoli Case ...	Sholapoor	0	2	0	2	0	0	0	0	4
19	Pavgaom Case.	Sholapoor	0	0	0	1	0	2	0	4	7
20	Mouje Wabal Case. ...	Poona	11	3	0	10	8	1	0	0	33
21	Mouje Walhe Case ...	Poona	1	1	0	2	0	0	0	0	4
22	Walati Case.	Poona	0	0	0	0	1	0	0	0	1
23	Mouje Parusa Case ...	Poona	6	0	0	0	0	0	0	0	6
24	Davadi Limbgaom Case...	Poona	0	1	0	2	0	0	0	0	3
25	Mouje Walati Case ...	Poona	1	0	0	4	0	0	0	0	5
26	Mouje Nagerali Case ...	Sholapoor	4	0	0	2	0	2	0	0	8
27	Sarole Case.	Sholapoor	1	0	0	2	0	4	0	0	7
28	Davadi Case.	Poona	0	0	0	1	0	0	0	0	1
29	Narsingpoor Case	Poona	0	0	0	1	0	0	0	0	1
30	Poona Case	Poona	0	0	0	1	0	0	0	0	1
31	Donje Case	Poona	3	0	0	0	0	0	0	0	3
32	Sakurdi Case.	Poona	1	0	0	0	0	0	0	0	1
33	Jabuta Case.	Poona	5	3	0	0	0	0	0	0	8
34	Kolgatwade Case.	Poona	18	1	0	0	0	0	0	0	19
	Grand Total... ...		104	28	1	67	19	19	1	4	243

A CONGRATULATORY ADDRESS TO THE GAIKWAR.

To,

HIS HIGHNESS

MAHARAJ SAYAJI RAO

Gaikwar of Baroda,

Sena Khaskeel Samsher Bahadur, Farzand-i-Khas-i-Doulat-i-Englishya &c., &c., &c.

MAY IT PLEASE YOUR HIGHNESS,

On behalf of the Sirdars, Jahagirdars and gentry of the Deccan and the Members of the Poona Sarvajanik Sabha we humbly crave leave to congratulate your Highness most heartily upon the auspicious celebration and festivities held in connection with it, of the marriage of your Highness and that of your Highness's younger sister Princess Tarabai Saheb.

Some time ago when the very existence of the Baroda State seemed to be involved in imminent danger, the minds of the people of the Deccan were filled with extreme anxiety, but the danger was happily averted owing to the judicious and cautious measures then adopted by the gracious British Government in accordance with the prayers and memorials urged by the people in that behalf, and the administration of the State was entrusted to the hands of an independent and efficient native ministry. We have now the happiness to witness the first fruit of this new order of things and we regard the celebration of these marriages as an event of national importance and of heart-felt gratitude and rejoicing to us all.

It is with great pleasure we learn that official attention has been paid by your Highness to the acquisition of such knowledge as will ensure the well-being of your State and secure the consummation of the noble intention of the British Government. It is further a matter of rejoicing that the task of superintending the education of your Highness has been entrusted to the care of Mr. Elliot, a gentleman of well-known reputation for learning and ability, and it is sincerely hoped that your Highness will fully realise the expectations we all entertain of your future career under such educating influences.

The present joyous occasion is more especially welcomed on all sides because it typefies the return of gladsome days of prosperity after the last few years of famine, scarcity, distress and death. It is, at such a time as this that the large charity of the state cannot fail to bring immense relief to all classes of your subjects. There are moreover permanent calls upon the state for the support of those persons who have been reduced to great straits in the famine times, and we doubt not your Highness's Government will not fail to accept your

responsibility on this occasion. The angel of charity and good providence, represented by your Highness's Government, must scatter plenty and health among the suffering millions of India by encouraging native industry, fostering education, and renovating the indigenous arts and manufactures. The agricultural show which has been held here, and the encouragement afforded to the sugar-refining experiment now going on in the Nowsari Subha augur a good beginning and are an earnest of the high expectations we cherish in that behalf.

A time will soon come when the responsible duty of governing the Baroda State will be entrusted to the personal care of your Highness. Your Highness will then be able to appreciate the beneficient character of the administrative system now introduced by your Highness's learned and able Dewan His Excellency Raja Sir T. Madhavarao.

It is highly gratifying to observe that your matrimonial alliance has been effected with a scion of an antient and noble family. In conclusion we humbly pray the Almighty to grant that the blessings of the present auspicious occasion will soon be crowned with the full fruction of our hopes, and that we shall in the course of a few years have the gratification of welcoming your Highness as the enlightened head of a renovated, united, and prosperous State.

His Highness replied as follows :—

MY FRIENDS AND COUNTRYMEN,

"I thank you very cordially for your kind congratulations and good wishes on the occasion of this important event of my life.

It gives me great pleasure to meet so many of you assembled in this Festive Hall, including the representives of an honorable and useful Political Association. Your presence here is all the more gratifying, because it indicates your national sympathy and consideration for this Native State.

I assure you, I am increasingly realizing the responsibilities that will hereafter devolve on me. Let me briefly tell you that it will be my constant solicitude to learn to discharge those responsibilities in a manner which will afford public satisfaction in a progressive age."

To,

S. H. CHIPLONAKAR Esquire.

Honorary Secretary, Poona Sarvajanik Sabha.

Sir,

In obedience to the intructions of the Managing Committee of the Sabha conveyed by you to us, we proceeded to Baroda in the early part of the last month to wait upon His Highness the Maharaja Gaikwad of Baroda with an address from the Sabha congratulating His Highness on his auspicious and happy marriage with a Princess of the royal House of Tanjore.

The ceremony of the presentation of the address was performed in a Durbar held in the Festivity Hall at Baroda on the next day after the Marriage (the 7th January 1880). There were present about two hundred Native gentlemen, including the guests who had come from different parts of the country, and the representatives of the Native Press as well as all the Sardars, Darkdars, and all the members of the present administration in charge of the Baroda state. The Maharaja had his Sardars and Darkdars on his right and the members of the present ministry on his left. In the front line sat the guests among whom our chairs were placed so as to face the Maharaja's seat. As soon as the Darbar was assembled, His Excellency the Dewan Saheb introduced us and the other guests to His Highness the Maharaja.

After all the guests were introduced, Mr. Joshi stood up and made a short speech regarding the object of the Deputation and then read with the permission of His Highness the Maharaja the Marathi address, after which Rao Bahadur Sadasiva Ballal read the English one. Afterwards His Highness the Maharaja stood up and read his reply to our address in English, and it was interpreted in Marathi by Rao Bahadur Janardan Sakharam Gadgil. His Highness the Maharaja was then presented with dresses by the native guests including ourselves. His Excellency the Dewan Saheb distributed flowers, Pan Supari, Goolab and Attar to us as well as to all the gentlemen present, and conducted all of us to the outer entrance of the Hall and expressed to us his entire satisfaction with the arrangements for the presentation of the congratulatory address on behalf of the Sabha.

On the tenth we were again invited to the royal palace. His Highness the Maharaja after a short conversation with us presented each of us with dresses consisting of valuable shawls and turbans.

On the 16th January His Excellency Raja Sir T. Madhavrao at our suggestion allowed Mr. Joshi an opportunity to speak to His Highness the Maharaja on the subject of marriage and the respon-

sibilities is entailed upon him. His Highness the Maharaja was highly pleased with the advice Mr. Joshi gave him, and asked to be furnished with a copy of the lecture for his guidance. His Excellency the Dewan Saheb also approved of the lecture and requested to be furnished with fifty printed copies of the same. We herewith forward to you one copy of the lecture for the information of the Sabha.

We are also exceedingly glad to state that we got three opportunities in all to converse with His Highness the Maharaja. Extremely amiable and pleasing in disposition, His Highness possesses studious habits and is also amenable to good advice; and under the able guidance of His Excellency Raja Sir T. Madhavarao, and of his able, talented and sympathetic Governor and Guardian Mr. F. A. H. Elliot of the Bombay Civil Service, His Highness promises to be a model Prince.

While in Baroda we paid out respects to Her Highness the Maharani Jumnabai Saheb and saw many European and Native gentlemen including Mr. Melvill, Major Nutt, Mr. Elliot, H. H. the Chief of Nandoor and others who cordially received us and conversed with us freely on different subjects, particularly on the condition of the Deccan agriculturists and their education and the settlement of civil disputes by Panchayat courts. We also forwarded copies of the address to several European and Native gentlemen, among others to His Excellency the Governor who acknowledged the same with thanks.

In conclusion it gives us great pleasure to bring to the notice of the Sabha, that the success of our mission was entirely owing to the judicious arrangements made by His Excellency Raja Sir T. Madhavrao himself, who evinced the greatet interest in our proceedings. We request that the cordial thanks of the Sabha should be communicated to him in recognition of his kindness.

Poona 24th February 1880

We beg to remain,
Sir,
Your most obedient servants,

GANESH W. JOSHI.
SADASHIVA B. GOUNDE.
KRISHNAJI T. RANADE.

Members of the Deputation.

An appeal to the free electors of Great Britain and Ireland from their fellow subjects, the unrepresented millions of the inhabitants of India.

On the eve of the coming elections for a new Parliament, the people of India feel themselves called upon, in their own interests and in the interests of the Great British Empire of which they form an integral part, to appeal for help and support to the great electoral constituencies of the United Kingdom. They appreciate in their full bearings the great issues involved in the contest of parties, and though by reason of political subjection, they have been denied the privilege of representing their views through independent channels of their own choice, they trust that the great British nation will effectually perform the duties of guardianship which Providence has for its own noble ends imposed upon them. On no previous occasion was the welfare and progress of India so dependent upon the choice of the electors of Great Britain and Ireland. The policy of dominion and mastery which has been in the ascendant for the past four or five years has inflicted upon India such repressive and retrograde measures as the Vernacular Press Act and the Arms Act. It has also involved the Indian Empire in a war not of its seeking, and intended avowedly to further Imperial interests in Central Asia. The charges of this war and of the trans-Indian Military Railways rendered necessary by it, have been imposed upon the poor resources of India, already exhausted by a series of famine visitations which carried off fifty lacks of the population in two or three years. In order to pay the expenses of their military operations, the taxes, avowedly raised for the purpose of insuring the country against famine, have been diverted from their sacred objects, and spent outside the country. Lastly the governing authorities of India have, in contravention of Parliamentary Statutes and Royal Proclamations, disappointed the legitimate expectations of the people of this country in the matter of civil administration by framing rules for the selection of native Civil Servants of so retrograde a character that instead of associating the people in the work of executive government, a distinct and subordinate service, stamped with inferiority and jealous

exclusion, has been created to the great dissatisfaction of the people. This retrograde and repressive policy at home and aggressive abroad at the expense of India has filled the nation with apprehension, and they fervently pray that the great Liberal party, whose leaders have on various occasions condemned these measures and sympathized with the aspirations of the people of India, may secure a majority in the new Parliament. This can only be done with the conversion of the free electors of England over to the views which will secure justice and peace and progressive development to India. As long as direct representation is denied to India, her people can only entreat the free voters of England to suport the policy which Mr. Gladstone, Mr. Bright, Mr. Fawcett, Mr. O'Donell Mr. Onslow, Mr. Chamberlain, Sir Charles Trevelyan, Sir David Wedderburn, Mr. Grant Duff, Mr. Laing, Sir G. Campbell, Sir G. Balfour, Sir W. Harcourt, Lord Northbrook, the Duke of Argyle and others in both Houses of Parliament have struggled so hard to maintain during the past five years. These are the true representative members for India, and their return in a majority will inspire satisfaction throughout the length and breadth of this great Dependency. The people of India appeal to the electors of Great Britain and Ireland in behalf of this Indian platform, and trust the electors will exact a pledge from their nominees that in and out of Parliament they will strive their best to do justice to this country by seeking a repeal of its repressive laws, by ensuring a proper distribution of the burdens of the Afghan War, and by securing an equality of conditions for the admission of natives into the Civil Service of their own country.

By order of the Managing Committee

Poona March 19-1880.

SHRINIWAS SHESHO,
Chairman.

S. H. CHIPLONKAR
Honorary Secretary
Poona Sarvajanik Sabha.

THE FINANCES OF INDIA UNDER LORD LYTTON.

"But, Sir, your words have sunk deep into my thoughts; you said every deviation from truth was a forfeiture of duty."

"Certainly; but there are some exceptions. The world is a bad world, we are born in sin and the children of wrath. We do not tell infants all the truth, when they ask us questions, the proper answers of which would mislead, not enlighten, them. *The very science of government is the science of concealing truth*—so is the system of trade. We could not blame the tradesman for not telling the public, that if all his debts were called in he would be bankrupt."

LORD LYTTON'S "ERNEST MALTRAVERS."

POLICY—policy does it all. But what is policy you will say? It is an art this French King of ours has found out, *to fight with other men's swords and to wage his soldiers out of other men's purses.* Ah! it is the wisest Prince that ever put purple on his back, * * *.

SIR WALTER SCOTT'S "QUENTIN DURWARD."

The first of the two foregoing extracts records the instructive dialogue between two minor characters in one of the most charming and instructive novels of Lord Lytton,—the illustrious father of the present Viceroy and Governor-General of India. And we have not the slightest doubt whatever, that turn wherever we may, to the domestic or foreign policy of the Lytton-cum-Strachey administration during the last four years, we shall find that the guiding and cardinal principle of their political creed which characterizes almost all their acts, is aptly and beautifully illustrated by the morality inculcated by the banker in the novel upon his female companion. "The very science of Government is the science of concealing truth," and if this be the true definition of the term "Science of Government," then we frankly confess

that the Lytton-cum-Strachey administration has fully satisfied all the requirements of the definition in question, and that both Lord Lytton and Sir John Strachey amply and richly deserve to be ranked amongst the most expert and scientific administrators the world has ever produced. In their foreign as well as domestic policy they have been following the lead of their master the Marquis of Salisbury and practising a systematic course of concealing truth and with Jesuitical causistry sanctioning pious frauds. Deceit and untruthfulness are the universally recognized handmaids of diplomacy, and viewed from this point, the Lytton-cum-Strachey administration may, no doubt, be held to be not much open to censure, so far as their foreign policy as regards Afghanistan is concerned. But no such excuse can pleaded for them in so far as their domestic policy is concerned. The history of the financial administration of India ever since Lord Lytton assumed the reins of government but more especially since the accession of Sir John Strachey to the post of Financial Minister to the Government of India after the retirement of Sir William Muir, may best be characterized by describing it to be a systematic and deliberate manipulation for party ends of the Indian finances in such a way as to enable the British Government to prosecute its designs of territorial aggrandizement and conquest at the expense of poor India, and also to give a helping hand to the depressing cotton manufacturing industry of Lancashire also at the expense of India, thereby securing their grateful support at the forthcoming general elections. This kind of policy is in most essential respects similar to that which is so clearly expressed in the second of the two extracts, which head our article, by the blunt Scotch cavalier for the enlightenment of his inexperienced nephew. All the Asiatic wars of Great Britain have been hitherto waged, and the acquisition of new territory effected, at the expense of the dumb rate-

payers of India. The first Afghan War, the Persian War, the Burmese Wars, were waged by England in pursuance of Imperial ends but their entire expenses were saddled upon India. It will be thus seen that the Lytton-cum-Strachey administration have been doing nothing more than following in the footsteps of their predecessors in allowing the finances committed to their care to be unscrupulously turned to account in the interests of the British tax payer. Notwithstanding these precedents in the traditions of the financial relations of the two countries, the policy of the present administration differs in one very important particular from that of its predecessors. Even Lord Auckland or Lord Dalhousie would have shrunk from appropriating or rather misappropriating the proceeds of taxes deliberately levied for the purpose of insuring the country against a repetition of the now well-known horrors of Indian famines, and using them to defray the expenses of a guilty and unprovoked invasion of a neighbouring state, the only fault of the ruler of which lay in the fact that his territory formed an intermediate zone between two aggressive powers. The present administration, however, has incorparated, in spite of its most solemn and explicit pledges to the contrary, the Famine Insurance Fund with the general revenues of the country, so as to enable it to dazzle the English Parliament with a glowing picture of the prosperous condition of the Indian finances and strengthen the hands of the ministry in England in maintaining that India was in a position to defray the expenses of their new Afghan policy without looking to the Imperial Treasury for assistance. We feel convinced that if a similarly high-handed policy had been followed by any other nation, either European or Asiatic, it would have afforded a pretext for the almost universal indignation of public opinion in England. The flagrant impolicy of the present course of action is only equalled by its

inherent injustice. The singularly wonderful credulity of the British public at home in matters purely Indian is quite on a level with its ignorance and selfishness; for it is extremely amusing to see how it allows itself to be so easily deceived by its Indian authorities both here and at home. It would appear that it is no business of the British public,—the final arbiters of the destinies of two hundred and fifty millions, the politically dumb population of India,—to concern itself about the affairs of this the greatest dependency of the British Crown, or interest itself in Indian affairs, so long as its own pockets are not touched. This is the only possible solution which occurs to us by which the silent acquiescence of the British public in the arrangments proposed by the India Office in the matter of the Afghan War expenses can be explained away. It is, however, gratifying to see that indications are not wanting that a time must come sooner or later when the national conscience of Great Britain must rouse itself and make a supreme effort to put the financial relations now subsisting between the two countries on a more satisfactory, if not altogether satisfactory, footing, and when the unutterable disgrace of the present relations will be wiped out completely. Indeed the fact that very questionable artifices were resorted to by the Indian authorities to lead the British public into sanctioning their aggressive frontier policy and their still more discreditable proposals for sadding the Indian revenues with the expenditure attendant on the same, is itself no uncertain indication of the approaching day when it will be the proud privilege of the British nation to see that ample justice was done to India for her past wrongs. We think the question now raised by Mr. Fawcett, Mr Gladstone and others, whether India should be called upon to defray the whole of the expenditure in connection with the present Afghan War or only a part thereof, was never before raised on any former occasion, for instance on the occasion either of

the first Afghan War, the Persian War, or the Burmese Wars. The justice of the policy of making India pay for England's wars in the East was quietly assumed, and not impugned even by an indirect suggestion; and this fact is another equally unmistakable indication of a change for the better pointing in precisely the same direction.

As we have already remarked at the outset, the history of the financial administration of India under Lord Lytton and Sir John Strachey has been so indissolubly mixed up with their foreign policy on the North-West Frontier of India, that in a paper professing to review the former, one can not but occasionally refer to the latter, as well as to the discreditable effort of the Government to secure the Lancashire vote at the forthcoming elections at any cost. It would appear that when Lord Lytton came out to India in the early part of 1876, he was charged with instructions on these subjects both by Lord Beaconsfield his chief, and Lord Salisbury, the then Secretary of State for India. It is now an open secret that on both these subjects,—we mean the foreign policy on the North-West frontier of India, and the remission of the import duties on Manchester piece goods,—the predecessor of Lord Lytton refused to follow the instructions of the Government of Lord Beaconsfield, and the consequence was that His Lordship had to make room for a less scruplous and more accomodating viceroy. In Lord Lytton Her Majesty's Government found such a representative ruler. Lord Beaconsfield clearly perceived that he would not be allowed to follow his policy of territorial aggrandizement and conquest if the pockets of the British tax-payer were to be touched. So Lord Lytton was to bring about such an improvement in the finances of India that the British public might be easily induced to sanction an aggressive policy in as much as the expenditure attendant upon its execution was to be defrayed from the apparently sound finances of India. Again, Lord Lyt-

ton was prevented from effecting the so-called improvement in the financial condition of India, as an essentially preliminary condition prior to the practical enforcement of the new foreign policy, by the presence in his council of men like Sir Arthur Hobhouse and Sir William Muir. When these honourable gentlemen retired from the Council board, Lord Lytton was not only left without any opposition in the Council but obtained the active co-operation of Sir John Strachey. He too had his instructions from Lord Salisbury, and we know what these were from the speech he made in the Viceregal Legislative Council on the occasion of presenting his first Financial Budget Statement. This, however, we must concede, that Sir John Strachey is a less consummate master of the art of finessing than his chief Lord Lytton, who seldom betrays himself by word of mouth or action, until the proper time for throwing off the mask and standing in his true colours comes round. Of this we have an excellent proof in the speech which Sir John Strachey made on the 9th February 1878 in the Viceregal Legislative Council, when he stated that the Government of India could not guarantee the exclusive application of the proceeds of the new taxation towards insuring the country against a repetition of the horrors of Indian famines, but that, whenever necessary, the special resources created by levying special taxes for a special purpose would be incorporated with the general revenues of the Empire, and diverted to other purposes. It was then that the cat was let out of the bag for the first time, and suspicions arose in the public mind about the *bona fides* of the Government of Lord Lytton. His Lordship, however, having perceived that the cat had been let out of the bag at an inopportune moment, hastened to the rescue of his collabourateur to undo the mischief caused by the latter's incautious utterances, and recorded a

minute in March following which had the desired effect in allaying the suspicious felt by the public. His Lordship condescended to give the following assurance:—"The sole justification of the increased taxation which has just been imposed upon the people of India for the purpose of insuring this Empire against the worst calamities of future famines, so far as such an insurance can now be practically provided, is the pledge we have given that a sum not less than a million and a half sterling, which exceeds the amount of the additional contributions obtained from the people for this purpose, shall be annually applied to it. The revenue raised by the new taxes is required *not for general purposes but for the construction of a particular class of public works.* And the Government has pledgd itself *not to spend one rupee of the special resources thus created upon works of a different character.*" We were further told in the same minute that the pledges which Sir John Strachey was authorized to vouchsafe on these points were explicit and emphatic, and that there was no room for mistrust though it might not be possible to explain in detail the precise character of the guarantee the government bound itself to provide for the faithful redemption of the pledge. His Lordship then went on to state that the impossibility of explaining in detail the precise character of the guarantee the government bound itself to provide, renders it all "*the more binding on the honour of the Government to redeem to the uttermost, without evasion or delay, those pledges for the redemption of which the people of India have, and can have, no other guarantee than the good faith of their rulers.*" We have deemed it necessary to quote the exact words of His Lordship so that the altogether different tone and the language of his more recent utterances may be put before the reader in bold relief. Now let the reader mark the tone, the spirit and the language of His Lordship's speech

in reply to the address presented to him by the citizens of Delhi in November last, and compare the same with his former recorded utterances. His Lordship thus spoke to the citizens of Delhi and through them to the people of India at large :—" I notice with pleasure that you have correctly appreciated the principles which guided our endeavours to provide for increased expenditure, specially due to the periodicity of famine. This principle rests on the simple financial axiom that ordinary recurrent expenditure must be defrayed out of ordinary annual income. Warned by the frequency of extensive failures in the food supply of the various provinces of this Empire, failures for which no provision had yet been made, we resolved to accept the cost of preventing, or relieving famine, as an unavoiddably permanent burden on the resources, and consequently as an ordinary charge on the revenues of the State. The average annual amount of this charge is estimated at about one crore and a half of Rupees. It was, therefore, necessary to increase the annual revenue or diminish the annual expenditure to that amount. This task has been accomplished, *but it is evident that the Government of India could not and never can guarantee, under all conceivable circumstances, the uninterrupted maintenance of the surplus thus provided.*" We are then told that the maintenance of the surplus has been temporarily interrupted by war, and the depreciated value of silver in relation to gold, and His Excellency went on to say that "none the less, however, have the country and the treasury had the full benefit of the recent famine taxation in reducing the permanent burden that would otherwise have been thrown on them." Sir John Strachey in his last Budget speech improved upon this. After stating in a general way that there was no change in the policy of Government in regard to this matter, he went on to say that whether the public accounts show a surplus, equilibrium or deficit, it is indisputable that these taxes must

prevent debt by the exact amount they yield, and that when famine occurs, our resources for meeting it will be increased by an amount exactly equal to the amount obtained from these taxes, although in the same breath he admitted that there were no famine-finance works and that their dreams on that head had faded, and the work of protecting the country had to be deferred and the sum spent on Public Works had to be decreased, while the national debt had not only no relief, but had been even augmented. It is hardly necessary for us to point out to the reader the manifest and flagrant inconsistency between these diametrically opposite utterances of the same authorities. In the first place His Lordship should have borne in mind that there was always a vast difference between what the Government *could* or *could not* guarantee, and what it had *actually* guaranteed in the most explicit and unequivocal terms that any language can furnish. The Government should not seek thus to be absolved from the obligation of the contract it entered into with the people of this country on the ground of the impossibility of maintaining the Famine Insurance Fund intact "under all conceivable circumstances;" because it is self-evident that if the Government could have resisted the temptation,—though a powerful temptation we will concede,—of appropriating the proceeds of the special resources in the interests of the British tax-payer generally, and also in those of the failing manufacturing industry of Lancashire, there was nothing innate in the nature of the contract itself which it was impossible to fulfill and redeem "to the uttermost." The term "under all conceivable circumstances" is, though apparently plausible, calculated to mislead, for the reservation of war, and the necessity of securing the good will of the Lancashire interest which it is sought to include under it, is utterly out of reckoning. A banker who had several sums deposited with him, and had not the slightest intention at the time of misappropriating them, but whom the temptation

invariably engendered by the force of circumstances has led to misappropriate them, might similarly seek to justify his misdeameannour. He might, when confronted witl. his accusers, make a clean breast in some such terms :—"Gentlemen, you see it is evident from the sequel that I could not, and never can guarantee, *under all conceivable circumstances* the uninterrupted maintenance of the sums you deposited with me. I am as much subject to temptations as yourselves, the only difference being that while the irresistible nature of your passions has not yet been tempted and tested, I have been so far unfortunate that mine has been already severely tried, as you too well know to your cost, and found wanting. Thus, gentlemen, you will see that I am not to blame for what has occured, because when I guaranteed to you the uninterrupted maintenance of your deposits, I never did so *under all conceivable circumstances*, and even if I had so guaranteed, such a reservation is always to be implied. But there is also another circumstance which ought not to be quite lost sight of. Neither Lord Lytton, nor Sir John Strachey appear ever to have seriously exerted themselves to redeem even partially, much less "to the uttermost," the most solemn and explicit pledges given by them. The sophistical causistry in which both these authorities have been for the last twelve months and upwards endeavouring to construe their own pledges in a way favourable to themselves, ought, we think, to be a sufficient proof to vindicate the justice of our foregoing remarks.

In his speech before the Viceregal Legislative Council on the 24th February last Sir John Strachey gives us figures showing the precise burden imposed upon the country during the three years ending with

1880-81 with a view to protect it from the worst calamities of future famines. These figures are :—

For 1878-89.....£ 1,227,891
„ 1879-80.....£ 1,184,000
„ 1880-81.....£ 982,000

Total.....£ 3,393,891

Out of this total revenue of £ 3,393,891, pledged to be spent on "the construction of a particular class of public works" the actual expenditure on famine relief has been estimated to be ;—

For 1878-79.....£ 313,420
„ 1879-80.....£ 99,000
„ 1880-81.....£ 5,000

Total.....£ 417,420

It will be thus seen that no more than ten per cent of the special famine taxes has been spent both upon direct famine relief and upon the particular class of public works the necessity for the construction of which was the sole justification for imposing fresh burdens upon the people two years ago, while ninety per cent have disappeared in the ever wide breach caused by the war expenditure. And yet Sir John Strachey tells us that "the taxation thus levied in these three years has enabled us to defray the expenditure on famine relief, and moreover to prevent debt to the amount of £2,176,471 with interest upon this sum." We think there is an obvious fallacy in the argument based upon the alleged fact that even though ninety per cent of the special recources may have been spent upon works of a character different from those guaranteed, they have at any rate enabled us to abstain from incurring debt to the tune of £2,976,471 which, we are assured, would otherwise have had to be borrowed. The fallacy lies in taking it for granted, as both Lord Lytton and Sir John Strachey do and would have others do likewise, that India would have been obliged to pay for the expendi-

ture attendant upon the present war on our North Western Frontier, and would have been driven to the money market to borrow what she could not find out of her ordinary revenues. This brings us to another portion of the Budget wherein Sir John Strachey calls the Afghan war a local war and appeals to our patriotism to resist the idea of asking England to bear her share of the cost and not saddle the burden wholly on India. We think, however, that if the Government of India had not telegraphed home towards the close of 1878, and on the eve of the commencement of the extraordinary Session of Parliament that India would have a surplus of £500,000 even after defraying the expenditure consequent upon the war, the force of British public opinion would have forced the Government of Lord Beaconsfield either to abandon the military operations, or if that was impossible, the die having been irrevocably cast, at any rate to charge the expenditure principally on the Imperial revenues. Now the real question at issue is, whether supposing the financial improvement effected two years ago had not been effected, India would have been called upon to defray the expenses of the Afghan War even though Indian finance was so hopelessly involved as to render it necessary to have recourse to the money-market. We believe that either the Government of Lord Beaconsfied would have been prevented from rushing headlong into this guilty and unprovoked war, or would have been compelled to defray by far the greatest portion of the expenditure out of the Imperial revenues. We are confirmed in our belief by the result of the Parliamentary debate in July last on the proposal of Her Majesty's Government to lend India £ 2,000,000 for a period of seven years without interest,—a proposal which that good natured friend of the Government Mr. Hubbard dubbed as "a financial monster." On that occassion, Mr. Fawcett moved an amendment that "considering that it has been officially stated

that the Afghan War was undertaken in the interests of England and India jointly, this House is of opinion that it is unjust to make India pay towards the expenses of that war seven times as much as will be contributed by England." When the House went to a division, it was found that Mr. Fawcett's amendment had been rejected by the wonderfully narrow majority of only twelve, including all the official element, the numbers being 125 against 137. What is the grand moral of this interesting, instructive and important debate wherein the Government of Lord Beaconsfield met with all but a crushing and ignominious defeat, if it does not point out how utterly impossible it would have been for the Government of Lord Beaconsfield to persuade the Parliament to defray the expenses of the Afghan War from the revenues of India, had it not been for the action taken by the Government of India which we have alluded to above, and which does not appear to have been even yet clearly found out by the English public at home? An influential home journal, which we believe to be one of the organs of the party in power, in noticing the recent Financial Budget Statement, says, and says justly too, that the fact of the Famine Insurance Fund having been used for the Afghan War and for the construction of the trans-Indian Military railways is a powerful reason why the cost of the War should be shared by England. It is, however, very much to be regretted that the diversion of the Famine Insurance Fund to the purposes of war and Military Railways is a fact not widely known in England. If our memory serves us right, it was mentioned once and only once and that too cursorily by one of the honourable members (Mr. Plimsoll) during the course of one of the earlier debates. All this leads us to feel almost positively certain that if honourable members had clearly perceived that they were asked to divert the famine taxes towards the payment of the war expenses they

would never have sanctioned the proposal of the government to throw the entire cost on the revenues of India. If Sir John Strachey had really cared for India's financial independence, the Government of India would certainly have stood on its rights in 1878 and insisted upon requiring England to pay her share of the War expenses. If this had been done, the Famine Fund would have remained intact being employed in Public Works or used to pay off a portion of the national Debt. This consideration disposes of the argument of Sir John Strachey that the misappropriation of the Famine Insurance Fund at any rate prevented the country from incurring additional debt which, it is alleged, it would have had to incur if the Fund had not existed ready at hand.

In another part of his speech Sir John Strachey tries to exculpate the government of which he is a prominent member from the blame which attaches thereto for not having spent more money on those kinds of productive public works which are required for insuring the country against the worst calamities of future famines, and for which he himself admits there is the greatest scope; he excuses himself by throwing the responsibility and odium of that policy on the shoulders of the Parliamentary Select Committee of Lord George Hamilton. Sir John Strachey says:—"Considering what our financial condition already is, and what we hope it will be in the future, I predict with confidence that the check, which has been placed upon our expenditure on useful works essential to the progress of the country and to its protection against famine, will be only temporary, and that the execution of the plans described by your Excellency two years ago has been only temporarily deferred. *But at the same time I wish to make it clear that if the Government of India has failed for the present fully to carry out its programme for the construction of material works for protecting the country against famine, no responsibility for that failure rests*

upon us." We beg to direct the pointed attention of the reader to the foregoing extract, but principally to the italicized portion thereof. As far as we undertand the purport of the recommendation made by the Parliamentary Committee, it had no reference to the famine fund. It was exclusively directed to the reduction of the grant for extraordinary works of a so-called reproductive character. At the same time it would be interesting to know what if no such check, as is alleged to have been put upon the freedom of action of the Government of India, had been put upon it, and if it had accordingly spent the proceeds of the special taxes upon the particular class of public works for which a "noble" and "humane" programme was planned by Lord Lytton,—we say it would be interesting to know what under these circumstances Sir John Strachey would have done for defraying the expenses of the War in Afghanistan. Would he have us believe that he consented to divert the proceeds of the special taxes for the defrayal of the War expenses only because otherwise they would have remained idle? Now let us suppose that the War had really ended with the Treaty of Gandamack, as was sanguinely expected when the Budget estimates for the financial year just closed (1879-80) were published; in that case the saving to the government would have been nearly £ 2,886,000,—£1,216,000 representing the additional expenditure over the Budget estimate in consequence of the renewal of the military operations, and £1,670,000 representing the expenditure on the frontier railways, which of course would not have been undertaken but for the renewal of the War,—and it would be interesting to know what the government would have done with this surplus. Again under the conditions we have supposed there would have been besides the above-mentioned surplus for 1879-80, a surplus of £4, 863,000, the sum represented by the difference between the sum entered against the army heading on the expenditure side for

1880-81 and that which we are assured is required for the ordinary expenditure on the Indian Army. In short if the Afghan War had really ended with the short-lived Treaty of Gandamack, there would have been, over and above the surpluses shown by the accounts, a total surplus of £7,749,000, at the close of the year on which we have just entered,—a surplus nearly equal to the entire cost of the recent famine in Southern India, and it would have been interesting to know what the government of Lord Lytton would have done with it. Would it have felt its hands tied in the matter of using this surplus towards fulfilling the bright visions shadowed forth in an eloquent speech by Lord Lytton two years ago? That part of the speech of Sir John Strachey to which we are alluding would have us suppose that the Government could not have spent the surplus in accomplishing its bright visions. How would the Government have spent it then? For certainly it could not have allowed the sum to rot unproductively in its reserve treasury. It would have been naturally enough applied towards the actual and positive diminution of the national debt of India. This is the probable answer the Finance Minister would give. But then the question is, why was it not similarly applied, the more so because the Afghan War and the Frontier railways are by no means India's sole concern, its Imperial character having been long before admitted both by Lord Beaconsfield and Lord Lytton? The truth appears to be that what Sir John Strachey has said about the Government of India having been, as it were against its will, compelled to defer *sine die* the realization of its visions was a mere rhetorical flourish, and nothing more. We feel confident on the other hand that even if no such check, as is alleged to have been put upon the freedom of its action in the particular matter, had been put, yet the Government of India would not have spent a single farthing more upon the particular class of public works, than what it has done

and is doing, so long as it had a more advantageous use for the vast surplus at its disposal—we mean more advantageous to the interests of the particular party in power at home. What our grounds for this belief are, will clearly appear from the sequel.

We deny in the first place that the Parliamentary Select Committee of Lord George Hamilton ever put any such check as is alleged to have been placed on the freedom of action of the Government of India in the matter of productive public works. We give below the conclusions at which that Committee came, so that the reader may judge for himself whether our contention be just or otherwise. The London correspondent of an Anglo Indian journal summarizes these conclusions in the following paragraph :—

That the construction of *new works from borrowed money* should for the future be limited to those schemes alone which, upon the responsibility of the Government, are estimated to be productive by yielding an annual income equal to the interest on the capital expended in their construction, including in such capital interest during construction ; that the amount to be annually expended upon productive public works should mainly depend upon the financial condition of India, and should, therefore, for the present, be limited to an amount of £2,500,000, as recently fixed by the Secretary of State for India in Council ; that in furtherance of the above recommendation, £2,500,000 should be the maximum *to be raised in any one year* by the Indian Government (in addition to existing liabilities) for the prosecution of productive public works ; that the *debt incurred for productive public works* be kept separate from the permanent or general debt of India ; that all expenditure on the construction of productive public works should be treated as borrowed money, so that, if instead of borrwing to the full extent of such expenditure, part of the surplus of the year can be devoted to this purpose, the general debt of India be treated as relieved, and the productive public works debt as increased to such extent ; that if any year the financial condition of India should admit of an increase in the expenditure on productive public works by devoting to that purpose surplus revenue, care should be taken that the permanent establishment be not so increased as to prove burdensome in years less generally prosperous. * * * The Committee

are further of opinion that loans for public works in India should always be raised in India, unless the Secretary of State should be satisfied that the difference between the rates of interest in England and India is so considerable as to afford full compensation for the disadvantages which inevitably attend borrowing in this country. They concur also in the communication of the Secretary of State to the Viceroy in which he requests that whenever it is possible, a certain portion *of the Famine Insurance Fund* should be remitted to this country and *applied to investment in and thus to the reduction of the debt thus raised in London for famine expenditure.* The Committee are likewise of opinion that greater opportunities should be afforded to natives in the interior of the country to subscribe in small sums to the loans of the Indian Government. * * *

The first thing to which we would direct the prominent attention of our readers is that, notwithstanding the contention both of Lord Lytton and Sir John Strachey to the contrary, the proceeds of the recent famine taxation have been christened with the name of the Famine Insurance Fund by the Parliamentary Select Committee of Lord George Hamilton. Sir John Strachey has always scrupulously avoided the expression "the Famine-Insurance Fund," and even in his latest speech he speaks of the proceeds of the taxation as "what has been called Famine Insurance taxation," but no amount of unwillingness to call a thing by its proper name will in any respect alter its material character. The other point to which we invite the attention of the reader is that the restriction imposed upon the freedom of action of the Government in the matter of productive public works holds good when the Government has to borrow the capital, and not when it can spare sufficient capital from its ordinary revenues. We take in short the restriction imposed to apply to those works only the expenditure on the construction of which has to be defrayed by having recourse to the money market, but not to those works the expenditure on the construction of which can be defrayed out of the surplus at the disposal of government. The only restrictions which apply to works

the expenditure on the construction of which can be defrayed from surplus revenue are, firstly, that the construction of new works should be limited to those schemes alone which, upon the responsibility of the Government, are estimated to be productive by yielding an annual income equal to the interest on the capital expended in their coustruction, including in such capital interest during construction; and secondly, that if in any year the financial condition of India should admit of an increase in the expenditure on productive public works by devoting to that purpose surplus revenue, care should be taken that the permanent establishment be not so increased as to prove burdensome in years less generally prosperous. It will be thus seen that if the Lytton-cum-Strachey administration had had the will to carry out even partially the "noble" and "humane" scheme of productive public works for protecting the country from the worst calamities of future famines, there is nothing in the conclusions arrived at by the Committee of Lord George Hamilton which could have in any way prevented them from carrying out their determination into effect. There is further another point which deserves a passing notice. We find that Lord George Hamilton's Committee concur also in the communication of the Secretary of State to the Viceroy in which he requests that *whenever it is possible, a certain portion of the Famine Insurannce Fund should be remitted to this country (England), and applied to investment in, and thus to the reduction of, the debt thus raised in London for famine expenditure*; which recommendation means in other words that the famine Insurance Fund, or if Sir John Strachey would have it so, the proceeds of the recent taxation imposed upon the people of India, should be applied either towards the construction of productive public works, or towards the reduction of the existieg famine debt of India, but certainly in in no other way. We have, we believe, clearly shown how extremely lame,—nay we might even say, how

extremely opposed to truth, is Sir John Strachey's ingenious effort to exculpate himself and the Government of India generally from the odium and responsibility of having failed to accomplish any of the bright visions for protecting the country against the worst calamities of future famine. The attempt to throw the responsibility of the failure on the shoulders of the Select Committee of Lord George Hamilton strikes us as being extremely bold and audacious. We do not know what the orders of the Secretary of State might be, but we fail to see how the Select Committee can be in any way held responsible for the failure. The only important restrictions which the Committee have imposed, and which we think are highly salutary in their consequences, are three in number; firstly the limit on the borrowing capacity of the Government of India; secondly the restriction of the powers of the Government of India to the construction, whether from borrowed capital or from surplus revenue, of those works only which, upon the responsibility of government, are estimated to yield interest on the capital spent, including in such capital interest during construction; and thirdly, and lastly, whenever in a prosperous year there is surplus revenue available for public works, no increase of the permanent establishment is to be allowed so as to be a burden in future. We need hardly be surprised that Sir John Strachey affects to predict with confidence the temporary character of the alleged restriction on the freedom of action of the Government in the matter of productive public works, even when they can be paid for from surplus revenue. Suffice it to say that like the imaginary restriction about whose temporary character this remark is hazarded, the prophecy itself is simply idle. What Sir John Strachey says simply amounts to this, that when the Afghan War is over, and the remaining import duties on Manchester goods are repealed, then will be the time to destroy his own phantom, and to tell the Indian

public that the alleged restriction has been removed. Was not the banker in *Maltravers* right when he said that "the very science of government is the science of concealing truth?"

As regards the question of the import duties on Manchester goods, it is difficult to see why the remaining portion too was not sacrificed. It may perhaps be that, in the face of the heavy burdens thrown upon the country and the treasury by the military operations in Afghanistan and the Frontier Railways, the feat was too much even for a Strachey to accomplish. We should not be, however, surprised if before we are a year older, they are repealed by a *coup de main* similar to that by which one third of the revenue was sacrificed last year. It is admitted that the measures taken during the last two years in this direction "have, for the present, removed all grounds for the complaint that we were levying protective duties in favour of the Indian mills in their competition with English manufacturers," and that, though some classes of English goods may be unduly favoured in comparison with other classes of English goods, "*no protection remains for the special benefit of goods produced in India.*" And yet we are told that ere-long we must be prepared to sacrifice this now unobjectionable source of revenue, not because it favours us at the expense of English manufacturers, but because it favours one portion of the latter against the other portions. This is no doubt the best illustration of the so called financial independence of India with a vengence. And yet we are told that all this has been done in the interests of India! There is so much tall talk in Sir John Strachey's speech about "the financial independence of India," and also of "the true interests of India," that it would have been much better if Sir John had defined those two terms so that we might have been in a position to understand clearly his views. In the absence of such a definition it is impossible to avoid the conclusion that

according to Sir John Strachey and those who think with him, "the true interests of India" is a term synonymous with the true interests of the English manufactureres and traders generally, and of the Lancashire manufactureres especially, and that "the financial independence of India" consists in her readiness and willingness to bear ungrudgingly a burden that properly speaking belongs to others. A stronger condemnation of the measures recently adopted with a view to make the ports of India free to all the world than what is contained in the following paragraph from Sir John Strachey's speech can hardly be conceived. While noticing the proposal made by some of his critics to the effect that there should be a treaty of commerce between England and India on a footing of reciprocity he says:—"Of course we should be glad to see the English or any other duties on Indian tea and coffee or on anything else removed; but if free trade be good for India, it is good for her, whether other countries maintain duties on Indian, products or not, and the fact that England (for, as it seems to me, excellent reasons) taxes our tea and coffee, is no reason for our taxing her cotton manufactures, and almost everything else that we get from her. To maintain the contrary is to maintain the old delusion of reciprocity." Moreover if our memory serves us right it came out prominently during the hearing of *Williamson versus Barbour*, or as it is called "the great Agency case," in 1877 before Sir George Jessel that an export duty was being levied on cotton piece goods sent out to India in some of the English ports.

It will be thus seen that India under the guidance of men like Sir John Strachey is being compelled to lead the van in the practical application of so-called free trade principles, and to sacrifice a large revenue to accomodate Lancashire interests, although Free-trade England shrinks from such a sacrifice at her own expense. The import duties levied by England on Indian pro-

ducts such as tea, coffee, tabacoo, are not unjust either to the English consumer or the Indian producer, nor is the English export duty an evil or an anomaly, but the Indian import duty on Manchester piece goods unmistakably bears that character. The reasons for which England taxes our tea, coffee and tobacoo appear "excellent" to Sir John Strachey, but not so the reasons for which India taxes English piece goods. England can not afford to admit duty-free into her ports our tea, coffee, and tobacoo, for if she were to do that, it would "practically lead to the surrender by England of the greater part of her customs reuenue;" but India must admit English cotton goods, woollen goods &c., duty-free, even though such a measure might practically lead to the surrender by her of the whole of her customs revenue; for does she not want to prove to the world at large that she is "financially independent," and that free trade is beneficial to her, even though England holds back from the heroic sacrifice?

There is also another point to which we should like to direct the pointed attention of the reader. We refer to the impolicy of the recent enhancements of the opium duties. It may be truly said that we are killing the goose which lays us golden eggs. While speaking of the present and future prospects of the export trade of India in rice, and also of the time when it will be necessary to forego the revenue from the export duty on that commodity, Sir John Strachey says:—"Thus although it would not be correct to say that India has a monopoly of the trade in rice, she has something approaching to it, and so long as this remains true, it can not be said that the export duty has a seriously injurious effect on Indian interests. At the same time it is impossible to say how long this may continue true; the Government can not keep too watchful an eye on the rice trade, and must be prepared, if it should become necessary, to take immediate action." In short, if it should become necessary, we must be prepared to fore-

go the revenue from the export duty on rice, and reduce it, or even repeal it altogether, so that Indian rice may still command the foreign markets and outdistance other rival competitors. This theory rests on the simple axiom of commercial legislation that it is the interest of the producing country and not of the consuming country to see that the cost of production,—of course including in such cost the expenses of transit,—is kept at so low a figure as to enable it to out-distance other rival competititors. It is quite legitimate for the former to levy an export duty on an article of consumption in other countries, so long as it feels confident that it has a monopoly of the foreign markets, but the moment other competitors appear on the scene, it must be prepared to forego this revenue, if it would retain its hold, and is not willing to be displaced from its commanding position. We subscribe most heartily to every word that has fallen from Sir John Strachey on this subject. And we only wonder that the Government of India show no signs of being aware of the effects of their own policy in regard to the opium monopoly. Our enhancements of the duty will one day affect the hold of our drug in China, and lead to our public bankruptcy.

There is evidently a different code of commercial legislation for England and India; otherwise we do not see how one and the same individual statesman can propound two diametrically opposite and inconsistent theories. But perhaps it may be that consistency is by no means an essential quality in one who occupies the responsible post of Financial Minister to the Government of India. Notwithstanding Sir John Strachey's indignant disavowal it is as clear as noon day sun to every unprejudiced mind that Lord Lytton and Sir John Strachey manipulated in the interests of England, or rather of the political party now in office at home, the taxes paid by the people of India; and according to his own admission, their conduct will be held to be "not only

shameful and odious but absolutely criminal." If more recent proof of such manipulation of Indian revenues were wanted, it will be found in what a member of the Manchester deputation that waited upon Lord Cranbrook in February last said openly to his Lordship. This member (Mr. Lord) said that they were "not unmindful" that they owed to the present Conservtive Government the partial repeal of the duties in question last year, and that they looked to the same government for their total abolition. The phrase "not unmindful" was studiously put in so as to tempt Her Majesty's Government to do their behests in the matter. The phrase also served to remind those to whom it was addressed that at the forth-coming elections, they would return the obligation by voting in favour of their benefactors. We think that if only an honest regard to the interests of India and also to the requirements of justice had directed the measure in question, Lord Cranbrook would have indignantly resented the sinister use of such an objectionable expression, just in the same way as under similar circumstances a Judge on the bench would have resented it. Lord Cranbrook, however, far from indignantly resenting the sly use of that objectionable expression, acquiesed in it.

We have now to notice the proposed changes in the License Tax Acts. At the outset of our remarks we can not but congratulate the Government of India and especially Sir John Strachey on his having at least *practically* admitted that a Native of India with an annual income of Rs. 500 is not only not far removed above poverty, but is even a fit subject for immunity from paying any direct tax. And we need not, therefore, quarrel with him for still holding *theoretically* that a Native of India with an income of Rs. 100 a year is not only not poor but is far removed above poverty, so long as that theory is not to be practically acted upon. We feel satisfied that the real poverty of the country will now be excluded from liability

to pay the tax by this raising of the minimum limit of taxable income to Rs. 500 per annum; but we cannot express equal satisfaction with respect to the abandonment of the proposal to extend the tax to official and professional classes.

It will be within the recollection of the reader that towards the close of November last, Sir John Strachey introduced a bill into the Viceregal Legislative Council to amend the existing License Tax Acts, and to equalize the burden of the tax on all classes by making the salaried and professional classes liable to the License Tax. It was then proposed to raise the minimum limit of taxable income to Rs. 250, and to compensate the loss to the state, which would accrue from the adoption of that proposal, by making both the salaried and professional classes liable to pay the tax. With regard to this proposed adjustment of the tax Sir John Strachey spoke as follows when the bill was first introduced at Simla:— * * * * * * * *The Government has never concealed from itself that there are practical inconveniences as well as political evils, in not bringing the wealthier portion of the professional and the salaried classes under the taxation which has been placed on traders,* and now that we are proposing to modify that taxation, and to make a sacrifice of revenue, the reconsideration of the whole subject has been forced upon us. Every Local Government in India has now concurred with the Supreme Government in the opinion that taxation similar in amount to that already borne by the wealthier classed of traders should be extended to the wealthier classes of officials,and that the License Tax should apply generally, as it already does in Calcutta, not only to trades, but professions." On a subsequent occasion when the Council assembled at Calcutta towards the close of December last Sir John Strachey adhered to the same resolution and expressed himself as follows:—"There were, my Lord, only two things which the Government in introducing this measure

looked upon as essential. It desired in the first place to exempt from taxation a great multitude of people with small income. * * * * *The second object which the Government had was to extend taxation to the official and professional classes. There had been a very general feeling, the justice of which we could not deny, that they ought not to remain untouched, when direct taxation was being levied on the traders and land-holders. * * *. The Government desires that these two objects shall be carried out in the most equitable way possible, and provided that they are gained, it looks upon everything else as matter of detail*" We invite the pointed attention of the reader to the foregoing extracts generally, and to the italicised portion thereof specially, as they serve to clearly demonstrate two things; firstly that the exemption of the poorer classes of traders from liability to the License Tax, and the extension of the same to the official, salaried and professional classes were the two "great principles" on which both the Supreme Government and every Local Government in India were unanimous, and secondly that it was resolved to extend the taxation to the hitherto favoured classes not so much because the Government wanted to compensate itself for the revenue sacrificed by the examption of the poorer classes of traders, as because "there are practical inconveniences as well as political evils in not bringing the wealthier portion" of the said three classes under the taxation which has been placed on traders. And the justice and the soundness of the principles having been once admitted, it was thought, that whatever might be the amount required by the Government from the License Tax, it would be equitably distributed on all classes alike. And yet Sir John Strachey some six weeks later on comes forward, and tells us that the obtaining of a commensurate compensation for the revenue sacrificed was one of the reasons assigned for the proposal to tax the official and professional men. And then he proceeds to say :—"Admitting—as we must

do in the present state of the finances—that we do not absolutely require the £240,000 which the contemplated taxation of these classes would yield, is it now desirable to impose it merely for the purpose of making our system of taxation more theoretically equal, and removing to some extent the reproach, *which undoubtedly is true*, that certain classes do not at present bear their full share of the public burdens ?" We feel no hesitation whatever in answering the query in the affirmative; for though the obtaining of a commensurate compensation for the revenue sacrificed by the exemption of the poorer classes of traders might have been *one* of the objects which the Government then had in view, it was neither the sole, nor the principal, object of the administration,—the principal object being the removal of many "practical inconveniences as well as political evils, in not bringing the wealthier portion of the professional and the salaried classes under the taxation which has been placed on traders." One of the principal arguments—nay we should almost say by far the most weighty argument in favour of the steps taken by the Government of Lord Lytton last year in repealing a portion of the import duties on Manchester piece goods and thus sacrificing a revenue of £250,000 per annum, was the alleged extreme desirability of closing once for all "an irritating controversy between two great communities of Her Majesty's subjects." Precisely of the same importance and magnitude,—nay, we might even be justified in saying that the present controversy is both much more real and irritating than the other,—is the irritating controversy kept open between two communities of Her Majesty's Indian subjects by the invidious distinctions still maintained by the License Tax Act, and though according to its own unequivocal admissions the Government is aware of the "many practical inconveniences and political evils" inseparable from such a piece of class legislation as the one under notice, the Government of Lord Lytton under the advice of its constitutional adviser

in financial matters, refuses to close the irritating controversy. The License Tax yielded, we are told, at its maximum £820,000 and the land cesses in North-Westtern Provinces and Bengal amounted to £525,000, thus making the total of the Famine Insurance Fund of £1,345,000. Now Sir John Strachey tells us that the Government are prepared to absolutely forego £340,000, out of this total taxation, thus requiring only £1,005,000 for the next year. One would think that a government which is so alive to the extreme desirability of closing an irritating controversy between two classes of Her Majesty's Indian subjects as the present one, would not have failed to distribute this burden of additional taxation equally among all classes. "In the present favourable condition of our finances," says Lord Lytton, "I do not think that we could justify to ourselves *any measure which would have the effect of increasing taxation* merely for the sake of scientific re-adjustment." True, but our position is that by spreading the smaller amount over all classes alike not only would the sense of injustice have been removed, but that there would have been no increase of taxation but a positive diminution of the burden all round. The incorporation of the proceeds of famine taxation with the general revenues of the Empire has effectually deprived those arguments which were first urged in defence of special taxation of the little force that they may have claimed before. Now that the proposal to tax officials has been withdrawn, it will no doubt be said by many that it was never honestly put forward, but that it was only put forth to create an impression that the officials were perfectly disinterested and willing to bear even more than their share of the State burdens, and has now been withdrawn on the plea that in the prosperous state of the Treasury its imposition was at present unnecessary.

We shall now dwell shortly on the salt duties. In the first place it should be borne in mind that be-

ing a necessary of life, salt should have been the last article upon which to place such a heavy and prohibitive duty as is represented by Rs. 2-8 per maund. And our contention derives an additional and quite unexpected force when it is remembered that the same Government which taxes salt so highly, is anxious to exempt clothing from all duty, although cotton clothing of foreign manufacture is an article which to a native of India at any rate, living as he does in a tropical zone, is not half so indispensable as salt. By its recent agreements with the salt-producing Native States of Rajpootana and Central India, and by its negotiations which are in progress in Kutch and Kattyawar the British Indian Government is creating for itself an absolute monopoly in the salt manufacture and trade of India. And when all its arrangments are once thoroughly completed, we may expect to see all the evils legitimately traceable to such a state of things as the absolute monopoly by the state of such an indispensably necessary article of life as salt is. Instead of using this absolute power towards supplying the natives of India with a plentiful and cheap supply of this necessary of life, it is more probable that it will be used as a means to give the state, whenever necessary, additional revenue. We suspect that it is contemplated to make the duty on salt play that part in the fiscal system of India which the Income Tax does in the English fiscal system. We admit of course that so far as India at any rate is concerned, there is no article like salt, a tax on which would in its incidence reach the poor and the rich at the same time, and that the tax brings in a large amount which cannot be easily dispensed with. But then the fact that this tax reaches in its incidence the poor and the rich alike and not proportionately to their means, is the most powerful reason why it should be religiously kept at such a low rate as not to fall oppressively upon the

poor masses. If this precaution is not observed, and the salt tax be screwed up in the future as it has been in the past, then no greater misfortune can befal India. We are confirmed in our suspicion when we call to mind the views of Mr. Pedder, late of the Bombay Civil Service, and now Revenue Secretary at the India Office, expressed by him in his evidence before the Parlimentary Select Committee of the late Mr. Ayrton on East India Finance. Mr. Pedder maintained before that Committee that it would be better to increase the salt duty in Bombay and Madras to the level of the Bengal duty (Rs. 3-4 per maund) rather then impose new taxes which can only fall upon a small minority of the population. He further urged that increased taxation in India meant one of two alternatives, increased salt duty or the imposition of a tax still more objectionable, and that no tax could be suggested less objectionable than an enhancement in the salt duty, if more money were wanted by the Government of India. Precisely similar were the views expressed by all the other witnesses who were examined by the East India Finance Committee in connection with that branch of the Imperial revnue, except Sir T. Pycroft, who speaking for Madras said that the salt duty admitted of no great enhancement in that Presidency. The late lamented Governor of Madras Lord Hobart thought the rate of the salt duty that prevailed in that Presidency in his time (Rs. 1-13 per maund) so heavy, and so calculated to check consumption, that he declared nothing would induce him to be a consenting party to an increase of that duty. And yet in 1878, after that Presidency had passed through an unprecedentedly dire calamity, the salt duty was raised in Madras as well as Bombay to Rs. 2 ½ i. e 27 ½ per cent. And yet we are assured that this increased duty has not only not led to any diminished consumption of that commodity in the two Presidencies, but has actually led to increased consumption. The picture here presented appears to us too good to

be true, and none save the extremely credulous can believe it. Unfortunately we have not at our disposal statistics showing the actual consumption of salt in these two Presidencies before and after the enhancement of the salt duty, but if the strongly expressed opinion of one of the ablest Governors of Madras is to be believed, it would *primâ facie* show that the recent enhancement must have very injuriously affected the consumption of salt, at least in the Madras Presidency. There is again another circumstance in connection with this policy of equalization of the salt duty, which ought not to be quite lost sight of. It is extremely unjust to cite Bengal for instance as a standard for other provinces of the Empire, in respect of the salt duty, for as was clearly pointed out by Sir T. Pyeroft in his evidence before the East India Finance Committee, the vast difference between the system of land tenure in Bengal and those obtaining in other provinces of the Empire is the most powerful reason why the Bengal rate is quite unsuitable for other provinces. We should have no objection to the *gradual* (mark the word) enhancement of the salt duty in other parts of India provided the land revenue therein is permanently settled on the Bengal model. We are by no means insensible to the force of the views propounded by Mr. Pedder in his evidence before the East India Finance Committeee, but we are firmly convinced that unless the land revenue is permanently settled throughout India, the policy of enhancing the duty on salt, if allowed full scope, is sure to work great mischief, and to lead to great discontent throughout the length and the breadth of the country. With regard to the political consesequences of the policy of equalizing the salt duties throughout India, so far as the salt-producing native states are concerned, we have only one word to add. We are told by Lord Lytton on the strength of his experience gained during the course of his recent tour through parts of Rajpootana and Central India, that the en-

lightened rulers of the states concerned are eminently satisfied with the arrangemnts made. Our information, however, is quite different, for we learn that it was with the greatest reluctance that they acquiesced in the arrangments, not without some pressure brought to bear upon them through the diplomatic channels. Will the government publish the correspondence in connection with these negotiations?

We shall now turn for a while to the increase of our national debt and to our diminished cash balances. In one part of his statement Sir John Strachey waxes eloquent and truimphantly observes:—"I have now, my Lord, stated the general facts and figures for the past and present years, and for the year that is about to commence. The result must be considered highly satisfactory. The aggregate actual and estimated surpluses of the three years amount to £2,580,000. Let it be remembered that this will be arrived at after spending, out of our ordinary revenue, 5¾ millions on the war, 3½ millions on frontier railways, and £400,000 on famine relief; let it be remembered that the amount charged in these three years under the head *Loss by Exchange* has been nearly 10 millions; let it also be remembered that we have given up £340,000 from the license tax; £150,000 from the Inland sugar duties; £300,000 on cotton goods, and a multitude of other articles; and that the sum raised by taxation is thus less than the sum raised at the beginning of 1878 by more than £900,000." We are thus told that taking the two past years and the present one we shall have had a surplus of £2,580,000 after having spent out of our ordinary revenues £9,250,000 on war and trans-Indian Military Railways, £10,000,000 on loss by exchange, £400,000 on Famine Relief, and £940,000, on the reduction of taxes, that is after having spent an aggregate sum of £20,590,000, over and above the ordinary expenditure of the country. And it is on the strength of this glowing picture that Sir John Strachey appeals to the

patriotism and the intelligent loyalty of the people of India to allow him to pay out of Indian revenues £ 9,250,000 for the expenditure on the Afghan War and the Sukkur-Dadur-Quetta-Kandahar Railway. We hope, however, to convincingly demonstrate in the sequel that this prosperity is purely imaginary, and has no foundation in fact.

At the outset we must be permitted to premise that this forecast of the financial condition of India by the end of 1880-81 is based upon a policy which can be aptly described by the homely expression, "Heads I win, and tails you lose." Our surplus we must place at the disposal of the Imperial Government at home for Imperial purposes, but we must borrow for our own urgent needs. Have we incurred no debt during these three years? If such had been the case, Sir John's statement would have been somewhat more effective. But as a matter of fact we shall have incurred an aggregate of debt of £10,036,268 (for 1878-79, £ 4,199,268, for 1879-80, £ 5,131,000, and for 1880-81 £ 706,000), and a diminution of £ 4,130,959 in the cash balances of the reserve treasury of the Government of India represented by the difference between the cash balances towards the close of 1877-78, amounting to £ 15,574,959 and those towards the close of 1880-81 amounting to £11,444,000. It will be thus seen that during these three years an aggregate increase of £14,167,227 has been added to the national debt of India. In order to put the subject in a perfectly clear and intelligible way, we shall give below three tables, the first of them giving the aggregate revenue and the aggregate expenditure for each of the three years in question, the second giving the aggregate ordinary revenue and the aggregate ordinary expenditure for the same period, and the third giving the surplus over the aggregate ordinary expenditure, and the extraordinary outlay for the same period.

I.

Revenue.		Expenditure.	
	£		£
For 1878-79	65,207,694.	For 1878-79	63,163,303.
For 1879-80	67,583,000.	For 1879-80	67,464,000.
For 1880-81	66,746,000.	For 1880-81	66,329,000.
Total	199,536,694.	Total	196,956,303.

II.

	£		£
Aggregate Revenue for the three years, 1878-79, 1879-80, and 1880-81	199,536,694	Aggregate expenditure for the three years 1878-79, 1879-80 and 1880-81	196,956,303
Add to this for the proceeds of the repealed import duty for two years at £250,000 per annum	500,000	Deduct from this the aggregate sum spent on public works in three years (£11,393,000) and the cost of the war and the military railways (£9,250,000)	20,643,000
Total	£200,036,694	Ordinary Expenditure	£176,313,303
Deduct from this the aggregate sum of borrowed capital and diminished cash balances	14,167,227		
Ordinary Revenue	£185,869,467		
Surplus from ordinary revenue in three years	£9,556,164		

III.

	£		£
Surplus for the three years	9,556,164	Outlay on productive public works for the same period	11,393,000
Borrowed capital	10,036,268	Cost of the war and the military railways	9,250,000
Diminution in cash balances	4,130,959	Promised surplus at the end of three years.	2,580,391
		Loss for two years by the repeal of the cotton duty	500,000
	£ 23,723,391		£ 23,723,391

It will be thus seen that the difference between the actual outlay on productive public works during this period and the surplus of the ordinary revenue over the ordinary expenditure in the same period represents the sum we need have borrowed to make the two sides of our accounts square. This difference amounts to the trifling sum of £1,836,836 only, *whereas we had actually to borrow £12,330,391 more than we required, in order to enable us firstly to to defray the cost of the military operations in Afghanistan and of the Frontier Railways, secondly to forego £250,000 per annum to propitiate the Lancashire interest, and thirdly to make a show of a surplus of £2,580,391, or in other words to demonstrate to the world at large that we are financially independent and that ours is a magnificent country with almost inexhaustible resources.* If this is not to be called a manipulation of the Indian revenues for party purposes, we know not what it is. And both Lord Lytton and Sir John Strachey pose in as the most disinterested friends of India and the saviours of her financial independence! That the Almighty may save us from such friends and such saviours in days to come, is the earnest and sincere prayer of all the natives of India.

There are some journalists in India who urge that if India is after all to be forced to pay the cost of the military operations in Afghanistan and of the trans-Indian Military Railways, the cost should not be charged to the ordinary revenues of the country, but that it should be defrayed by borrowing, in as much as the posterity is much more interested than the present generation in the scientific rectification of our present hap-hazard frontier on the North-West. His Honour the Lieutenant Governor of Bengal Sir Ashley Eden during the course of his speech on the Financial Statement most strongly urged that view upon the serious attention of the Government of India. We for our part fail to see the soundness of that view, which appears to take for granted

that, as matters stand at present, the said cost has been actually defrayed from our ordinary revenues and without having recourse to the money-market; whereas as we have clearly pointed out above, we had actually to borrow during the last three years £ 12,330,391 for the purposes mentioned above. Sir Ashley Eden and those who hold the same view, would appear to think that our surplus of £9,556,164 has been devoted to the expenses of the war and the military railways, and that the debt was incurred for our productive public works. This view, we once more repeat, is quite unintelligible to us, unless we accept as the cardinal principle of the Indian financial administration that embodied in the homely expression "Heads I win and tails you lose." We think it would have been more correct and more in consonance with truth also, if Sir Ashley Eden and those who think with him, were to say something to the following effect :—"My Lord, we fully and heartily approve of the determination of your Lordship's Government to charge the cost of the war and the military railways against the revenues of India as that is the only course consistent with the maintenance of her financial independence. But what we have to urge upon your Lordship's attention and upon that of the Government of India is that we do not see any reason why our Public Works should be starved, because the Government of India had to borrow for defraying the cost of the war and the military railways, and the more so because, having designs and estimates ready in our possession of such productive public works as are surely calculated to yield an amount equal to the interest on the sum to be spent upon their construction, we are entitled to borrow at least £5,663,164, the unexpended portion of the sum of £7,500,000 which the Parliamentary Select Committee of Lord George Hamilton has authorized us to raise. When we are borrowing on such an extensive

scale not for our real needs, but simply for preserving our financial independence, it does not matter much if we borrow some five and three fourths millions more for our real needs. The difficulties caused by the increased borrowing are great, but they will not practically be aggravated to an appreciable extent by adding £ 5,663,164 more to our already heavy debt." If Sir Ashley Eden and those who think with him were to urge their contention in a strain somewhat similar to the foregoing, we could understand it, but as it is, we confess our inability to do so.

It will also be seen by a reference to the three tables that the surplus of £ 2,580, 391 which we are assured we shall have by the end of the current financial year, is more imaginary than real. If such an unreal and imaginary surplus can give us any satisfaction, it might as well be £ 22,580,391 instead of the one we are to have, for by borrowing twenty millions more we can easly show that magnificent surplus. It is somewhat difficult to see what prevented Sir John Strachey from accomplishing that feat. A more unsatisfactory condition than the one in which we find ourselves at present when we have to borrow in order to demonstrate our solvency, and to prove to our neighbours that we live within our means, can hardly be conceived. While on this subject, we desire to draw the pointed attention of the reader to the increasing magnitude of the evil which, if the present course be blindly persisted in, is as sure to lead to national bankruptcy as to the ruin of an habitual spendthrift who, living as he always does beyond his means, has recourse to borrowing to make the two ends of his account meet. A reference to the statistical returns will convince the most sceptical of our readers that since the commencement of the present administration we have added nearly more than £ 20,000,000 to our national debt, while during the period of ten years ending

with 1875-76 the increase in our debt was less than £29,000,000, giving us an average for five years of only £14,500,000, which sum, it will be seen from the foregoing, we borrowed in three years only. The comparison thus shows that during Lord Lytton's rule of four years we have incurred more than six millions of debt over and above the average of corresponding periods of Lord Mayo's and Lord Northbrook's rule. More than half of the debt we have actually incurred, we would not have incurred were we *really* financially independent as all the Colonial Governments are. In conclusion we have only this much to add that we have many and serious misgivings regarding our *real* financial prospects, and that we apprehend the close advent of a financial crisis, which would necessitate either additional borrowing to a large extent, or the imposition of new and oppressive burdens on the already tax-ridden people of India. Those who care to read between the lines of the speeches of Sir John Strachey and Lord Lytton in connection with the financial statement, will readily admit the well-founded character of our apprehensions. Both of these speeches are replete with ominous allusions to the unsatisfactory condition of our finances, and we have no doubt that Lord Lytton will leave to his successor a rich legacy of troubles both at home and abroad.

SIR RICHARD TEMPLE.

Now that H. E. Sir Richard Temple has left the shores of India for good, and the chorus of addresses and lamentations has ceased, we think the whole country will feel relieved and breathe more freely as though the incubus of a great weight had been removed. Omniscience and omni-presence are attributes which sit ill in a corporeal frame, while the flashy activity and the claim for universal aptitude, which might dazzle for a time, cannot but be found out at last, when the glamour of office and power is shorn off by the mellowing and sobering effects of separation and distance. It would be a veritable miracle if Sir Richard Temple secures a niche of fame in the grateful recollections of a people, or if his memory is not chiefly associated with a nine day's wonder, a bubble that burst when it surged the highest. We refuse to regard the vote of a hastily summoned and packed meeting of placemen and trimmers as the deliberate expression of the voice of the public of Bombay, or of the great moffusil centres of population. Even as it was, the absence or silence of Rao Saheb V. N. Mandlik, of Mr. Nacoda Rogay, of Mr. Nowroji Furdonji, of Mr. Bryce, of Mr. Principal Wordsworth, of Professor Kirkham and others, who represent the strength of the really independent public opinion of the place, was suggestive of a lesson that will have its significance for those who can read between the lines of such popular ovations. The speakers at the meeting felt themselves constrained by the untoward character of the theme, and stumbled when they tuned to a higher flight the cymbals of their praise. The Chief Justice, for once forgetting his habitual keenness of vision, announced that the object of the meeting was to insure Bombay against the risk, as he apprehended it, of the government of Sir Richard Temple passing away from men's

minds without a suitable recognition. Mr. Justice Bayley lugubriously alluded to the fate of the statue voted to the ill-starred Charles the First, which was taken down by order of Parliament with an injunction to the brasier to pound it into the smallest pieces. We need hardly notice the efforts of the other speakers who were chiefly placemen or dignity-hunters, and some of whom were most interested with Sir Richard Temple's ambition of returning back to India as Viceroy at no distant date. We confess we had no heart to prick the bubble of his reputation, if his friends had been equally discreet in the expression of their good wishes, and had allowed him to retire, like his predecessors, content with a Byculla Club dinner, and the post-prandial speeches which good fare and better wine prompt so easily. At best it is a thankless task to pull down popular idols from their pedestals, but when unthinking adulation is heaped upon them in the name of a long suffering public, iconoclasm becomes a stern duty in the interests of truth and rectitude, and it is in this spirit of fairness and honest criticism that we address ourselves to unmask what, under other circumstances, we should not have cared to concern ourselves with either way.

We cannot but think that in resigning the Indian service of Her Majesty, and attempting to enter Parliament as the Conservative representative of his native county, Sir R. Temple has for once mistaken his vocation, and failed to count the odds against him. A lifetime spent in the enervating, because demoralizing, atmosphere of bureaucratic government is not favourable to the healthy growth or cultivation of those habits of conciliation and fairness so necessary for success in a free assembly of equals. The gush of sentiment, and the flash of omni-science which are the wonder of college and university gatherings and vestry meetings, will have no attraction for men grown gray in Parliamentary strife, and, like too many Anglo-Indian

celebraties, Sir R. Temple's tiny bark will be shattered on the rocks ahead, and he will soon find reason to distrust the friends who lured him on to adventure out of his element. Of course if the present ministry renews its lease of power at the coming elections, Sir R. Temple may realize his dream, and come back to India a full-blown Viceroy to continue the work of retrograde and repressive legislation at home and domineering aggression abroad, which have hitherto been the bane of the Imperial administration of India. If the Liberals win, Sir R. Temple may wriggle himself out of his temporary adhesion to the Conservative banner,and may be made a High Commissioner of Afganistan, or succeed Sir B. Frere in the charge of the reluctant South African Confederation. Either way,the ambition, if he cherishes one,of developing into a great Parliamentary leader of men and policies, must be tabooed, and the illusion will be destroyed as soon as Sir R. Temple mounts the hustings, or inflicts his maiden speech upon a bored House of Commons.

Our concern with the retired Governor is, however, in respect of his work in this Presidency for the last three years, and his future Parliamentary success or failure has no present interest for us. The most favourable estimate we can form of his rule in this Presidency does not allow us to rate it higher than that of Sir B. Frere, and we all know how great a failure that administration was found to be when the dreams of another Eldorado vanished like a magic show, and Bombay found itself, after its reclamations and financial speculations,on the brink of insolvency. Great physical powers of endurance and application, such as Sir Richard Temple no doubt possessed, do not by themselves represent the highest statesmanship and administrative abilities. In the hands of a despotic will, they only represent an aggravation of public mischief. Sir R. Temple was singularly wanting in consistency of purpose, and in a moderation of views which convictions based on principle inspire. The besetting

fault of his administration was that he always loved to advance his own interests and never sacrificed them if they conflicted with public weal. It is true he cared for popularity of a sort, but it was a cheap popularity. He always posed in the theatrical attitude, and was always looking about him in his most heroic moods for the applause of the pit of his own countrymen. He had the proverbial faults of a new broom which thinks to sweep clean the muddled brains of all who are subordinate to him, or who crossed his purposes. He had no grasp of great lines of action which produce no visible effect but work silent reform. He had no love for the people, and in his most pliable moments was always fishing a bait for the credulous to swallow. His pride of Englishism was intense to overbearing, and he thought the native races were all to be patted like children, and had no other purpose in life but to remember gratefully the hired services of every white man in the country. He had no policy of his own, but veered like a weather-cock with every change of views of the power that dispensed patronage and applause. He had no love of free institutions, and took care to secure himself from all possibility of conflict with independent views. His rule was essentially one of self-seeking and self-laudation and eminently demoralizing in its consequences. We hope to make good in the sequel every one of these positions, and if we succeed in the attempt, we feel persuaded that the sobered opinion of the public will agree with us, that faults so serious, and short-comings so flagrant, cannot be condoned by a display of physical energy which counted the miles and the hours of its flying journies throughout the Presidency, and the fussy meddlesomeness which ventured to set every department right with the clean sweep of its trenchant resolutions.

Sir Richard Temple's inconsistency of purpose was seen at every step of his long career in India. Though descended from a family of Liberal traditions

he has veered round to Conservatism, because that represents the dominant temper of the government in these latter days. Though he won his first laurels in the public service at the feet of Sir J. Lawrence, he threw off the allegiance, and is now the most pronounced anti-Lawrentian of them all. In 1867, he wrote under the influence of his master's teachings an exhaustive minute counselling non-interference in Afganistan, and recommending the policy of awaiting the Russian onset on this side of the Indus, instead of adventuring to meet it on the Oxus. By what Lord Lytton would call a curious irony of fate, he has become the most aggressive of Anglo-Indian politicians on the Afghan question, and has persistently striven to join Kandahar by a Railway to India through the desert. In 1873-74 he was the lavish distributor of public funds in much favoured Bengal, which suffered more from dearth than famine, and thought two lbs. of food absolutely necessary to sustain life in the poor peasant. Three years later, he boxed the entire compass, and became the steady advocate of a niggardly policy which starved out famine by its distance and percentage work tests, and its Sunday fasts, and its stinted dole of one pound of food. In Bengal, he allowed Municipal independence to small communities, but resolutely set his face against a similar concession on this side of India, even in the case of such large cities as Poona. In his minute contrasting British and Native rule written in 1867, he cried down the Mahomedan priesthood, and spoke well of native loyalty and the success of Native administrations. During his three years of power in Bombay, he never lost an opportunity of hinting at dark and sinister dangers of native disloyalty at volunteer dinners and gatherings, and even at the festive board of the Byculla Club on the eve of his departure, he recurred to the same theme. These instances will we think suffice to show that consistency

of purpose and views has not been a strong point in the character of the late Governor.

The moderation of views which springs from genuine convictions, and is such a rare excellence in the rulers of men, was also conspicuous by its absence in his dealings. The License Tax was condemed all round when it was first imposed, and the oppressive action of the assessing officers drove the people of Surat to enter a protest against it in a spirit of constitutional resistance. The administration found itself baulked in its efforts to gild the bitter pill, and instead of soothing discontent by timely explanations, political capital was sought to be made of it by ascribing the popular discontent to the artful preachings of sedition by the editors of the local newspapers. At such times, the local authorities on the spot are apt to lose their heads, and it is the great prerogative of central power to hold the balance of its own deliberations even between the excited populace and the officials who had exceeded their powers by opening fire upon an offending gathering, and killed innocent people. Sir R. Temple, however, threw himself into the affray with more than a partizan's partiality, and for months the poor editors and the lawyer and merchants were the victims of a prosecution which had all the weight which Motilal and his august supporters in the Government could give to it. The final discomfiture of the attempt covered the administration with ridicule, but it had not the courage to acknowledge its mistake, and offer compensation to the ruined victims. A year later, disturbances broke out near Poona. Half starved people, led by robber chiefs, and hair-brained maniacs, defied the attempts of the Police to restore order. His Excellency the Governor, instead of holding the balance of his mind even between the conflicting interests was the first to report by express telegram that the dacoits were led by educated natives, and though the subsequent trials and inquiries exposed the hollowness

of this charge, no frank disavowal of the result was ever made, and the breach remains unhealed to this day. Notwithstanding the empty phrases and generalities of certain well-known utterances, Sir Richard Temple could never overcome the temptation of alluding darkly to dangers from the native populations in Bombay, and he conjured up before the affrighted imagination of his volunteers the dangers of the hills being on fire, none the less destructive because unseen. Similarly when the Railway Frauds Commission inquiry took place, his Government prosecuted certain European officials on charges which fell to the ground the moment the accused were placed for their trials before the Sessions Court. Notwithstanding the break-down of the prosecutions, Sir R. Temple maintained the correctness of his own views, and being baulked in his vengeance in one direction, he punished whole districts with punitive posts for the inefficiency of the Police establishment. In giving effect to his favourite views of forest conservancy, scant justice was meted out to the vested claims of hundreds of poor people who received little or no compensation for the loss of their rights of common and wood for fuel and agricultural purposes. He rode the educational hobby of science till the patience of the University authorities was well nigh exhausted, and in his reviews of the educational administration he rained down his censures unmercifully upon the heads of the Director and other officials without discrimination, and in one notable instance forced his own incompetent protege upon the unwilling Department. To ride his hobby to death was the besetting sin of his administration

We next come to our third charge that Sir R. Temple in all his acts posed in the theatric attitude, and sought applause. If he rode a hundred miles on horseback or mounted a steep hill, the next day the news-papers would receive an inspired communication from one of his attendant satellites, giving

the precise number of hours and miles covered by the journey. If he worked night and day to despatch the Malta expedition, or lay down the Kandahar line of Railway, the inevitable satellite would count the minutes in the watch, and take note of it for the public edification. Popularity of a kind is very cheaply won at this rate. If he travelled over the country at railway speed, he would pump out the specialists of their knowledge of the fauna and flora, the mineral and archaeological wealth of the country, and filling thus the bladders of his memory, would empty them before the dazzled sight of the newspaper readers. If he stood to make a speech, he would find time to ransack the stores of the text books and pose as a great hyegeuist, a great expounder of the lore of Asiatic Societies, a great Naturalist, and a great connoisseur of the fine arts. He would be great in every thing. He would address every school board and college gathering, pat his native hearers on the back as very amiable children, who could not do better than worship every stray European they met, and absolutely self-seeking himself, he would never lose the opportunity of enlarging upon the claims of the eternal moral laws, and the goodness of Providence which had so strangely favoured him. Such a theatrical display sits ill with the ruler of men. It is said that in the Central Provinces he would never enter a village without having arrayed in his train the whole babble of native music to announce his coming. The same weakness was carried to excess when in his Nawasari speech he extolled the Parsees to the skies as the descendants of Jamshed and Rustum, and asked them to enter the armies as sepoys of Her Majesty's forces. This weakness of his character was not redeemed by any genuine enthusiasm. Sir R. Temple had not a spark of unselfish enthusiasm in him. He was never exalted or transported out of himself even in his highest flights. He was laughing all the while in his sleeves as he counted the number of victims who

were caught by his baits of sweet words made to do duty for real things.

We have said above that he had no grasp of great lines of policy, but was always content to flutter with the outside attraction of every novelty for the time that it was attractive. His predecessor Sir Philip Wodhouse had, after dint of agitation and self-study, got hold of the weak points of the Revenue and Survey Settlements. The Bombay Government during the last years of his rule gave fair promise of having got rid of its subjection to the Settlement officers, and a great reform was inaugurated about the close of 1874. His successor, however, threw back the administration into the old grooves, and in spite of the protests recorded by the Deccan Riots Commission, and the prepared attitude of the Supreme Government to welcome a reform of the Revenue system, Sir R. Temple stood in the way, and made all reform impossible. He carried the retrograde work further by violating the well-recognised guarantees of the system, and suggesting and enforcing a change of policy which denied the relief of remissions, and added to the horrors of famine by insisting upon the collection of the arrears of revenue with a persistance which might have done credit to Shylock's demand for his pound of flesh. In the management of the famine he succeeded by enforcing various impossible tests to swell the death rate by many lacks of unfortunate people. He would fight with specialists like Dr. Cornish with their own weapons after a hasty consultation of the text books and maintained his one pound struggle long after his action was condemned by the medical authorities. He had even the cruelty to sanction the experimental reduction of rations in the Jails of the Presidency, at what fearful loss of life it is impossible to state at this distance of time. The appalling loss of life in the famine districts was, however, too stern a fact to get over, and the reports he and at his instance the Sanitary Commissioner wrote upon the

conclusion of the famine, were devoted chiefly to the glorification of the method by which he had succeeded in making the famine pay itself and in distorting the causes of the admitted mortality. The Deccan Dacoities again presented a rare occasion when a real statesman would have probed the disease to the bottom, and helped to relieve the defenceless and disarmed condition of the village population by a generous show of confidence, and free distribution of arms to the loyal classes to supplement the efforts of the Police. Nothing of the sort was attempted; the disarmament was, if possible, more completely enforced, and the villagers robbed by the dacoits were saddled with the charge of expensive and useless punitive posts. The representation of the necessity of opening large works to meet adequately the urgent stress of the famine has been in some places ascribed to Sir R. Temple. The fact, however, is that, after some weeks of hesitation, Sir Philip Wodehouse's government accepted this view, and pressed it upon the attention of the Supreme authorities long before he left the reins of power into the hands of his successor. We do not owe the projection of the Dhond and Munmad Railway to Sir R. Temple, though he no doubt hastened its prosecution towards completion with his characteristic energy. Of his other schemes of Irrigation and Railroads, none except the Neera Canal has made any progress. In the matter of the break of gauge on the Rajpootana line, Sir P. Wodehouse advised the merchants of Bombay that they should agitate for uniformity of gauge. And but for Sir R. Temple's strange lukewarmness, the persistent agitation carried on by the Chamber of Commerce in this respect would have borne fruit.

This, however, is only one instance of his subservience to the powers that be even in a good cause. Sir R. Temple never really cared to come in conflict with the Calcutta authorities. His maxim of policy was fixed that a subordinate government like that of

Bombay had no conscience of its own. It was on this account that he strained the rather doubtful rights of Government and refused the use of their own Town Hall to the lieges to protest against the License Tax though the Hall was freely placed at the services of the clever wire-pullers who got up the address with the famous equestrian statue. When Sir J. Strachey wanted to prove that those who earn hundred rupees a year are not only not poor, but are far removed above poverty according to the Indian standard, Sir R. Temple went the length of affirming this policy, even though he knew that on this side of India prices are much higher than in the other Presidencies, and that since Sir B. Frere's time, the pay of the lowest sepoys has been raised to this so-called standard of competence by extra allowances. In the height of the famine distress, Sir R. Temple accepted without protest an arrangement ordered by the Government of India by which the carrying resources of the G. I. P. Railway line were monopolized for the Hydrabad and Madras traffic, and for months together Bombay trade was starved for want of carriage. His subservience in carrying out the famine policy ordered out for him by Sir J. Strachey has never been satisfactorily accounted for. The sudden stoppage of public works in the interests of economy towards the conclusion of the famine, although it led to disastrous consequences, was carried out with more thorough abruptness than even the orders of his masters required him to observe. He never stood up for the dignity and independence of his presidential charge, in which respect he cuts a sorry figure by the side of his three predecessors.

To proceed however with the other charges of our indictment, Sir R. Temple's overbearing Englishism was so outrageously manifested in and out of place, that though it might have secured him the admiration of the mass of the Anglo-Indian community, it left no outlet for any really popular liking for him. He formulated the distinction between Euro-

pean balls and native garden parties and had not the grace to forego this petty exclusiveness till the very last day of his rule In all his speeches, he was for ever in his mental vision regarding the promiscuous crowd before him as arrayed in separate ranks, the Europeans to be lauded and flattered, the natives to be exhorted to look up to them and admire. The Baroda speech was the funniest exhibition of this singular weakness. We happen to remember an occasion when it involved him in a strange fix. Wishing to start the volunteer movement in Bombay, Sir R. Temple wanted to give it a form of a national demonstration, though all the while he was anxious to keep up its sectional character. A meeting of all the inhabitants was advertized for, and when the natives came in numbers, and proposed an amendment to the main proposition which contemplated the formation of a purely European corps, the Government was placed on the horns of a dilemma, and many sweet words had to be used to avoid an open rupture. In his speeches at the Volunteer dinners, he lost no occasion of flattering the weakness of the ruling race by openly expressing his want of confidence in the loyalty of the masses. He was never more at his ease than when addressing the boards of the numerous English schools, and he voted away liberal grants to their building funds and capitation payments to their boys. Of course next to the Europeans he loved to flatter the Parsees. His patronage was almost exclusively preferred upon the representatives of that race. We do not think that the Parsees, when their enthusiasm will sober down, will find any reason to thank their benefactor, as the favours he has shown cannot fail to demoralize the sturdy independence which has distinguished their race hitherto. When a scion of the Jamstjee Jeejeebhai family consents to be a clerk in the Custom's Office, and another member of a representative Deccan family thinks himself honored when he gets a footing in the new Civil

Service, the demoralization may well be said to have been complete.

We shall next notice the little love Sir R. Temple bore to popular institutions. The Legislative Councils of the local Governments may well be regarded as the seed germ of our political growth. Under no former Governor that we remember, was such a deliberate effort made to reduce the influence of the non-official native element to a nonentity as under the administration of the late Governor. Men like Rao Saheb Mandlik and Mr. Nacoda Ali Rogay were found to be too out-spoken in their independent criticism of the Revenue Code, the Salt and Abkari Acts. They were, therefore, passed over when the time for re-election came, and in their place were selected men who, with the exception of the Hon'ble Moorarjee Gokuldas, were innocent of all knowledge and had no position, and could not be supposed in the most charitable construction that could be put upon their nomination to represent any interest. The Legislative Council ceased to have its peace disturbed with any discussions, and important measures like the Revenue Code, the Salt and Abkari Acts, and lately the Khote Bill were hurried through the Council; in some cases the second and third readings were gone through at the same sitting. The protests of the people found no hearing and the independent members were chaprawed into silence. The Irrigation Bill was passed in spite of such protests, although it contravened the express decision of the Secretary of State in Council. Of course it was ultimately vetoed, and the sections objected to before have had to be expunged. The serious work of Legislation was thus turned into a farce. In the Executive Council again, the Judicial Member proved sometimes amenable to other influences, and his vacant place was, therefore, not filled from the same service. Independent Civilians like Mr. Reid, Mr. Borrodaile, Mr. Elliott and Mr. Nairne were fairly worried out into retirement or long

furloughs, or shifted from place to place. The same aggressive spirit as developed in the dealings of the Government towards the native states. The Kathewar Chiefs have been constrained to give up their independent management of salt and opium produced or consumed in their territories, and similar requisitions have been made upon Kutch and Baroda. The minor Chiefs of the Southern Maratha Country were transported for their education to distant Kathewar, and when the Raja of Kolhapoor fell ill, he was moved from place to place, separated from his relations, and placed under unsympathizing influences.

We have thus travelled over the whole ground of our indictment against the administration of His Excellency the late Governor. Of course while exposing the inconsistency of his views, his subservience to his superiors, his theatrical exaggeration of speech and action, his ultra-Englishism, the absence of all sincere love of the people, his positive dislike of free institutions, the total absence of any large lines of statesmanlike action, the strongly retrograde character of his land and famine policies, his impatience of all opposition, and his often successful efforts to make words play duty for deeds,—while we have attempted our best to expose the many faults and weaknesses of his character, we are at the same time ready to acknowledge that in some minor respects he succeeded in initiating useful measures. The recognition of a Science Degree in the University, the establishment of the Ahmedabad College, the Medical Schools at Poona and Ahmedabad, and the Agricultural College in Poona, the recognition he secured for educated men in the Revenue Service, his successful efforts to complete the Port Trust negociations, these measures reflect no little credit upon his short-lived career. We are not disposed to give him a great credit for the Malta expediton or the Kandahar Railway. It appears as if the short time in which these arduous undertakings were finished have dazzled

the public mind, and led it to ignore the reckless waste involved in this abnormal speed as if the money thrown away was of no account, and did not concern us. The Kandahar Railway will never be completed within time to affect the fortunes of the war, and might have been completed at half the cost after it is over, and the Malta expedition might safely have left a month later for all the good it did to this country in precipitating the Afghan crisis. Heroic as was the energy shown by Sir R. Temple in pushing on these works and in travelling throughout the country in the height of the famine season, we are still unable to recognize that such extraordinary energy and endurance constitute the sole or even the chief qualifications of a great ruler of men. Large-hearted sympathy, a generous scorn to catch sectional applause, great moderation of views, honest consistency of purpose, a firm hold of certain large lines of policy, a sense of dignity in asserting independence when great interests require the sacrifice, an even balance of mind in the presence of troubles,—these are the attributes which go to make successful rulers of men, men like Clemency Canning and Mr. Mount-Stuart Elphinstone, men whose memory leaves a foot-print on the sands of time and whom a nation enshrines in the love of its heart. Their entire absence in the retired Governor conspicuously marks him as a costly failure, who by his self-seeking and exaggerated laudation of his own acts, has degraded the noble standard of duty in the Indian service which scorned to flatter race pride and left its deeds to speak in glorification of the doers.

CURRENT LITERATURE.

"The Last Counsels of an unknown Counsellor" is a work published by Major Evans Bell *in memoriam* of perhaps the most disinterested of India's friends in England since the days of Edmund Burke. These Last Counsels contain a most able vindication of H. H. the Maharaja Holkar's reputation from the charge of weakness and disloyalty which certain partizan writers had ventured to raise some years ago. It is hardly necessary at this time to rake up the old discussion, for Sir John Kaye, the historian of the Sepoy War, has established the fact beyond all possibility of doubt that Sir H. Durand, the Resident at Indore, was himself to blame when he consented to abandon Indore at the first outbreak from his want of complete confidence in the Maharaja's ability and willingness to control his men, and to defend the Residency. Though efforts have been made since by Colonel Malleson, Mr. Durand, and General Travers to rehabilitate the old prejudices, they have failed to work any conviction, and the Government of India has made the *amende honourable* for its long neglect by conceding to the Maharaja new honours and fresh accession of territory. This defence of an Indian Prince, who was for some years an eyesore to high Indian authorities, was John Dickinson's last service to India. It is much to be regretted that while we are so profuse in our adulation of the smallest dignitary who poses of his love of India while he is clothed with the official vestures, there was hardly any attempt made to perpetuate the memory of the late Mr. Dickinson's unbought services in advancing the interests of this country. Major Evans Bell has done well to rescue such a glorious life of labour and love from oblivion. If instead of labouring for India, Mr. Dickinson had devoted half his

time or talents to local politics in England or to business, there could be no doubt that he would have made a name for himself. He, however, sacrificed himself by devoting his whole life to the cause of Indian Reform. He in fact represented for many years the Indian Reform Society in his own person, and in that capacity was the only independent mouth-piece to ventilate Indian questions in England before the East India Association came into existence.

John Dickinson was born in 1828, and studied at Eton. His cousin, Sebastian Dickinson, practiced at the Bombay Bar and when he returned to England, greatly helped his brother in his agitation of Indian questions. His uncle was a Major General in the Indian army, and being a holder of Indian stock, he was a member of the Court of Proprietors, and took great interest in the two Satara cases during all the stages of their agitation in England, and sided with the minority led by St. George Tucker, Colonel Sykes and others. The few years immediately preceding the renewal of the charter in 1853 were remarkable as having been the first to witness any independent political action on the part of the natives of this country. It was at this juncture also that Mr. Dickinson commenced his labours of Indian Reform. His letters on Cotton and the roads of Western India, published in 1851, led to the agitation which induced Lord Dalhousie to start his great Public Works scheme. In 1852, acting in league with Mr. Sullivan and a few Peers and members of the House of Commons Mr. Dickinson succeeded in turning aside Lord Dalhousie from his contemplated absorption of the Kerawli State in Rajapootana by a timely threat of a motion in the House of Commons. This was the only state that was rescued from Lord Dalhousie's Policy of annexation which had its full swing from 1848 to 1857, and within which period Panjab, Satara, Nagpoor, Jhansi, Tanjore and Oude were absorbed. Dickinson laboured hard in

these critical times to protest against the injustice and stem the tide of violence. It was by his efforts that in March 1853, the Indian Reform Society was established in London with Mr. Bright, Mr. Cobden and some 40 members of Parliament in all as members of its committee, of which Mr. Danby Seymour was Chairman, and Mr. Dickinson became Secretary. In his work on "the Government of India under a Bureaucracy" Mr. Dickinson exposed the hollowness of the pretences upon which the right of sanction to adoption in native states was claimed as a prerogative of the Paramount Power. He showed that this right had no existence except in cases of a disputed succession, when it had the legal effect of a Judicial decision. In this book, published five years previously to the breaking out of the mutinies, he distinctly prophesied the outbreak as a natural corollary of the then prevailing policy. In 1854, there was a great Indian debate as the first fruit of the labours of the new Society. Owing to the success of Mr. Danby Seymour's vigorous exposure of the practice of torture in India, (which he had with rare devotion to duty come out to see and judge for himself in 1852,) the Torture Commission was appointed in Madras in 1855. Next came the mutiny troubles, which left little room for thoughts of reform till the disturbances were first suppressed by force of arms. The whole labour of keeping up the agitation now fell upon Mr. Dickinson, and he published several pamphlets "Native States in India," "Indian wrongs without a remedy," "the Government of India under the Native rulers." In the very height of the mutiny troubles, Mr. Layard had come out to India, and on his return home, Mr. Dickinson arranged to have a large public meeting to hear Mr. Layard's views about the causes and lessons of those troubles. Mr. Layard freely expressed his views, and stated that the disturbances were not military outbreaks, but popular rebellions, caused by the Annexation and Inam

Commission policies. He protested against the cruel severity which had been used in the suppression of the mutinies, and advised measures of conciliation, and the introduction of native members in the Legislative Council. This was the turning point of the agitation commenced many years before, and those who, like Mr. Dickinson, had denounced the annexation policy, had triumphed at last. This was the Indian Reform Society's chief work. The society shortly after began to suffer from financial necessities, though after Mr. Danby Seymour's retirement, Mr. Bright consented to be its Chairman. In 1859, Mr. Dickinson married, and withdrew his large personal contribution to its expenses though he still kept up an office in London. In 1861, the Indigo troubles began in Bengal, and Mr. Dickinson, who soon after Mr. Brights' resignation, became Chairman, interested himself in these disputes, and he wrote two pamphlets, "Bramhins and Pariahs," and a "Reply to the Indigo planter's pamphlet" which greatly strengthend the hands of Government. In the same year he published his pamphlet on the Famine in the N. W. Provinces in India, recommending a Permanent Settlement, and extensive Public Works as the only effective preventives. In 1864 and 1865, Mr. Dinckinson was engaged fully with his labours for the restoration of Dhar. To Lord Derby among the Ministers, and to Mr. Dickinson among the independent workers, is the great credit of that signal act of justice due. In 1865, the annexation policy raised up its head temporarily in the determination not to restore Mysore to native rule, but the great glory of redeeming the word of the Proclamation of 1858 was reserved for Lord Salisbury who brushed away the opposition of the Foreign Office, and restored Mysore to its legitimate rulers. Mr. Dickinson, who had then gained over the confidence of the India Office by his independence and weight, was consulted on all such matters of high policy by the India House officials from this time forward till he retired from public life. His last service

was his attempted defence of Maharaja Holkar against the aspersions of his enemies, the success of which has been already noticed above. He died in 1876, after having served India for 24 years without drawing a single shilling from the Government, or the Princes and people he served so devotedly throughout the whole of that time. His solution of the problem of Native and European rule was rather peculiar. He thought that the coast line of India and its strongest places should be placed under direct British rule, and governed throughout by British officers. Native ambition should have no place in direct British service. By way of compensation, he counselled the restoration of many large territories to native rulers, and in these states so enlarged, native ambition should be allowed its full scope and development. The Politicals should be continued at the courts of native states, as supervisors and connsellors but without any administrative functions. The native Princes to whom the new territories might be made over, should be called on to take up the burden of the national debt to the great relief of British Indian Finance. He thought that the greater concentration of British power would with this burden of debt removed from off its shoulders, tend to ensure cheaper administration. The Viceroy would be at the head, not of subordinate Governors and Commissioners, but of great Chiefs and Princes bound to the Empire by allegiance and military service. In no other way, thought Mr. Dickinson, can the rivalry of the native and European services be removed, for their amalgamation in spirit was in his opinion impossible and insincere. The rulers of the different states would under the guidance of their Political officers, ensure the best check upon each other, would minimize all the worst effects of centralization, and promote the only possible local self-government of India by Indians. Although the native states so subordinated might retain a few European officers in their service, when they would consent to work under

natives more willingly than in British India, the majority of the officials would be natives, and thus native ambition would be satisfied for its loss of the so-called equality under British rule, which will never be recognized. Such are the brief outlines of Mr. Dickinson's scheme. If it were not so utterly impracticable, much might be said in its favour as a large-hearted solution of the great Indian Problem of the future. Mr. Dickinson was in favour of the Queens' assumption of the title of Empress. At the same time he was a strenuous advocate for the establishment of an appeal court for the decision of political cases between Native Princes and the Paramount Government. Here we must bring this brief review of a very memorable life to a close. No better example can be placed before the public men of India than the life and labours of John Dickinson for the practical cultivation of the feeling of self-sacrirfice and devotion to the cause of duty.

"Modern India and the Indians" by Professor M. Williams is a reproduction of the contributions made by the Professor in the London *Times* and other news-papers, and of the notes and impressions formed by him during his two hasty visits to this country. They are very loosely put together, and as far as we can judge, contain nothing in the way of very original or even accurate description. The Professor's mind is, however, very plastic, and he bends himself easily to give what sanction his name carries with it to the latest developments of imperial ambition, crying down the educated natives and denouncing the so-called large armies of Native Princes. The first chapter on the five gates of India, namely, Gibraltar, Malta, Port Sayad, Perrim and Aden, as also the chapter devoted to the general impressions of India, enlarged and repeated furtheron in the chapters on Northern and Southern India, have no attraction beyond the sententious and pleasing style of the descriptions. The chapter on Samadh and the one on the Towers of Silence,

repeated again in the remarks on Parsi funeral rites and the paper on Indian Rosaries, might safely have been omitted from the collection. The papers so loosely put together might have served their purpose as letters from a third rate special correspondent of the *Times* during the visit of the Prince of Wales, but as the serious thoughts of a Professor, who has devoted all his life time to India, they contain nothing which deserved a reproduction of the same in the form of a separate publication. The really interesting portions of "Modern India and the Indians" appear to us to be the last four papers, which may well be described as the *Apologia* of Christian Missionary efforts. They are full of sympathy, and may suggest some useful lessons to the overweening pride of faith which looks down upon all the hostile and indigenous religions as not worth study, and fit only to be abused and hissed off the stage. The Professor's admission that Vedic Bramhinism, as distinguished from the current Hinduism, is a non-idolatrous religion, being a curious reconciliation of pantheistic and monotheistic beliefs, the large hearted charity which leads him to see redeeming features in the life and work of Mahommed, the necessity which he inculcates so forcibly of the missionaries meeting both Hindus and Moslems on their own grounds, studying the root ideas of the two systems, and allowing for their excellencies, the strength of mind which leads him to expose the cowardice of the adherents of the Christian Church militant which suspects all advance of knowledge and accession of new light, the very suggestive hint he gives that the modern Christian Church hides the unity of the Godhead beneath the sonhood of Christ, and the analogy of faith he traces, between the nobler teachings of Hindu devotional systems with the highest aspirations of the Christian discipline,—all these points are so skilfully touched and enlarged upon that we cannot but think they redeem the work from the charge of shallowness, which otherwise might have been urged with effect against

the book as a whole. The last paper is devoted to the claims of the Institute which the Professor has been striving for some years to found at Oxford, and which he has now nearly succeeded in establishing with the help of Indian and English subscribers. We cannot but think that if there were more workers filled with the same sympathy and earnestness as the Professor, the gulf of social and religious differences between the two races will be bridged by mutual charity and helpfulness.

"The Indore Code of Civil Procedure Act No. 1 of 1287 Fasli" is not the least important of the legacies which Diwan Raghoonathrao has left as a memorial of his services under the Shreemant Maharaj Dhiraj Raja Rajeshwar Sawai Tookoji Rao Holkar Bahadoor. Within its nearly 300 sections, the Diwan has managed to melt down the whole of our British Indian Code of Procedure, and the Law of Limitation. Before the promulgation of the Code, the Courts in H. H. the Maharaja Holkar's territory had nothing to guide them in their procedure except some informal instructions to follow the British Indian Law as far as may be, when they did not conflict with the old practice of the Courts as laid down in certain unauthorized formularies. The frame work of the new law has been wisely as we think adopted from Act 8 of 1859 instead of from its doubtful voluminous successors of 1877 and 1879. We regard it as a great merit of this Code that the limitation law is embodied in Section 3 as a part of the Procedure, for so it has been held to be by our own High Courts, and the period laid down is uniform and liberal. There is only one period of limitation recognised for all kinds of suits, namely, of 12 years, and pledges and deposits and animals bailed with another to be tamed for labour, and the property of an infant, and the king's wealth, are protected from the bar in accordance with the directions to that effect contained in *Manu*. We confess we have never

sympathised with the refinement of a sliding scale of limitation with its nearly two hundred sections. The principle of the law which requires only that stale and forgotten causes of action may not be entertained, furnishes no justification for our present elaborate law, and it only leads to the denial of justice, and increase of litigation and cost, in too many cases. The refinement which allows declaratory suits under certain circumstances, and disallows them in others, has also been done away with in Section 12 of this Indore Code. We cannot speak with equal approval of Section 61, which allows suits against the Government or its officers in respect of official acts done by them, but makes it requisite that the Plaintiff should first obtain written permission of the Darbar. This is tantamount to a denial of the right to sue. The provisions of the law of British India are certainly more liberal on this head, and should have been boldly copied if His Highnesse's Government feels so strong a confidence in its own justice and fair dealing as to allow this redress to aggrieved parties. We also think that the provision of Section 84 has been inserted in the Code chiefly in the interests of Government Revenue, and not with the single eye to justice as between the parties. It allows a party out of possession, and suing another in possession of revenue-paying land who neglects to pay such revenue, to be put in immediate possession on payment of such revenue even before the decision of the suit, although the suit itself is to proceed to its own just termination. The interests of revenue should be protected by an independent law, but they ought not to be allowed to work injury as between party and party before the decision of the suit. Section 151 legalizes the important experiment of associating Jurors with Judges in the decision of civil suits, which has been of late introduced in the Indore Courts with such success. The Jurors' lists are to be published in the Local Gazette, and parties in contested suits are required after the settlement of is-

sues to select two persons from these lists. No juror can be required to serve more than 15 days in the year. The jurors sit with the Judge after being sworn to do impartial justice. While the hearing of the case is going on, the jurors may take notes or ask questions, and it is the Judge's duty to guide them in matters of procedure and evidence. They are required to give their verdict in writing. If the Judge and Jurors agree on the points at issue, there is to be no appeal. If they differ, the verdict shall be according to the views of the majority. It is much to be regretted that the provisions of the old Code of 1827 in respect of Civil trials with jurors were allowed to become obsolete. If properly worked, such trials are even more to be commended than arbitration awards of Panches sitting independently of Judges. In the Chapter on the execution of decrees, we perceive a distinct improvement in section 179 which allows a decree holder to proceed against the surety, only when no property of the principal debtor can be found. Section 216 requires that all sales in execution of decrees shall be made before a Panch named by the decree-holder, or if he neglects to do so, before a Panch named by the Court. In section 220, thirty days time is allowed to the purchaser to pay the remaining three fourths of the purchase money, and in section 222, the sale is liable to be annulled if the judgment-debtor pays the amount of the last bid in Court within 30 days from the date of the sale. We regard these provisions, especially the last, as one of great importance in the interests of the debtor, and all the evils generally complained of properties being sold at under-values will disappear if such a check were legalized by law, in place of the impotent check now sought to be imposed by prohibiting the judgment creditor from buying at the sale. The priority given to state debts and advances over all other claims has its justification in the example of British India, and in the peculiar relations of money lending of H. H. the Maharaja towards his subjects.

These are nearly all the more important points in which the Indore Code innovates upon Act 8 of 1859. We should have been much pleased to see if the conservative principle of protecting the Ryot and his lands, which has of late found such forcible recognition in British Indian Legislature, had not been so entirely ignored in the Indore Code. No property belonging to the agriculturist is exempted from attachment, nor is he free from personal arrest for debts, and his lands and houses are not protected. Nor are any rules fixed for the award of an equitable rate of interest. We trust that in any future amendment of the Code which H. H. the Maharaja may contemplate, these points will receive due attention. The order of the Courts and their respective jurisdictions should also be laid down to complete the Code in all essential respects.

PROFESSOR M. Kunte's Lecture on Ceylon, which he has lately visited, is full of interest and suggestive hints to the students of contemporary Indian history. His account of the fusion of races and their progressive aspirations is so encouraging that we think it a great pity so very few of us care to visit this flourishing colony, and study its institutions. Owing to his habitual study of Indian Sutra literature, Professor Kunte has formed a sutra style for himself, which, however, fits ill in an English garb. But for this defect of manner, we should think the lecture would be very welcome reading. The problem which forced itself upon the learned Professor's mind of the apparent difference between the torpid and moribund India, divided between hostile races and faiths with social gulfs which cannot be bridged, and the little isle to the south, essentially a part and parcel of India, so united and vigorous in its youthful activity, is one which no doubt requires to be closely studied. The contrast is sought to be explained by the action of residual political principles, which are said to have been allowed free scope in

Ceylon, whereas they find no recognition in India. In Ceylon the fact that the Colonial Government recognizes local institutions, such as the Gana Sabha, which have any vitality, is the first line of departure between it and the Imperial rule which pulls down all old organizations, and strongholds of power, and concentrates all authority in its own stipendiary officials. Every effort is made in Ceylon to enlist popular sympathies on the side of order and good rule, to encourage the legitimate ambition of the educated classes, and to give it a wider scope by allowing plural and cumulative voting, by selecting representative men in the local Legislatures and by appointing Mudliars and Mahamudliars as Honorary Magistrates, and recognizing the right of public agitation. The land tenure in Ceylon recognizes private property in land, and the land tax is said to be a nominal rent, being a fixed proportion of the produce of Paddy and dry crop lands, and the revenue is chiefly made up by excise and custom duties. The repair of roads and tanks is placed in the hands of bodies called Rojkarya, or elective local committees Natives are admitted into the Civil Service without any jealousy after passing an examination held under the same conditions as those which admit Englishmen. The Government itself provides bursaries or scholarships for those who go to England for study. The native Members of the Legislative Council are truly representative men, and hold their posts for life, and they are allowed to put interpellations to Government in regard to matters of its executive action and financial expenditure. These differences are very striking, and we cannot but think that from this point of view, India would be a great gainer, if Mr. Bright's scheme of abolishing the Viceroyalty and imperial regime, and constituting five or six large states in immediate communication with the Secretary of State were carried out, and India were treated more as a colony than as a dependency.

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